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ABSTRACT

This document contains the hearings before the Senate Judiciary Committee about the reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act. The texts of three Senate bills to amend and extend the Juvenile Justice Act and Runaway Youth Act are presented. Statements by a panel from the Department of Justice are recorded, denouncing the practice of confining juveniles in adult jails and considering the special problems of status offenders and minority youth. Testimony from representatives of Hispanic and Black youth organizations is included along with prepared statements by panels of national and state organization representatives and private citizens. Trends in juvenile delinquency and child abuse over the years are discussed, as well as the benefits of runaway youth and delinquent youth programs and child welfare services. The appendices contain Congressional Record statements; additional statements, comments, letters, and responses from the Department of Justice staff, members of Congress, national and state organizations, and private citizens; and a statistical report of the subcommittee on the Constitution concerning Juvenile Justice Act appropriations. (NRB)

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REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

S. 2434, S. 2441, and S. 2442

MARCH 27 AND 28, 1980

Serial No. 96–84

Printed for the use of the Committee on the Judiciary

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REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

WEDNESDAY, MARCH 26, 1980

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 6226, Dirksen Senate Office Building, Hon. Strom Thurmond (acting chairman) presiding.

Present: Senators Thurmond and Bayh.

Also present: Mary K. Jolly, staff director and counsel, Subcommittee on the Constitution; Barbara Dobynes, staff assistant; Brian Fitzgerald, and Daun De Vore, law clerks; Jesse Sydnor, counsel; Senator Metzenbaum; Luther Washington, legal assistant, Senator Metzenbaum; Arthur Briskman, counsel, Senator Heflin; Beth Edwards, minority counsel, Senator Cochran; Renn Patch, minority counsel, Sentaor Hatch; Yolande McClain Branche, minority counsel, Senator Dole; Richard W. Velde, minority counsel, Senator Dole; Eric Hultman, minority counsel, Senator Thurmond; Liz McNichols, legal assistant, Senator Mathias.

Senator THURMOND [acting chairman, presiding]. The committee will come to order.

OPENING STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator THURMOND. This morning the committee begins hearings on several bills to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974.

Before the committee is a proposal introduced by Senator Birch Bayh, S. 2441, one by Senator Dole, S. 2434, and the administration's proposal, S. 2442, which was introduced by Senator Bayh, by request. These various measures will be the subject of the hearings today and tomorrow.

The original legislation, the Juvenile Justice and Prevention Act of 1974, was the first comprehensive Federal response to the problem of juvenile crime. I supported that legislation because I was deeply concerned about the rise in juvenile crime and the number of youths who were running away from their homes.

We have now had 6 years of experience with this legislation. It has been, I think, a rocky road. There are conflicting views throughout the country on how to respond to juvenile crime; how to separate status offenders from nonstatus offenders; and how much of the overall criminal justice resources should be devoted to this problem.

Many more issues will be raised, I am sure, by the witnesses that have been invited to testify before the committee.

We will listen carefully to their testimony and the expertise they bring to us. The committee will then be in a position to make a judgment on the future of this program.

OPENING STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Today, we begin our first of 2 days of hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Most of you are here today because you have in some major way affected the lives of children, adults, and Congress in helping to provide a juvenile justice system that is more just.

We are considering, today and tomorrow, three Senate bills: (1) S. 2434, introduced by Senator Dole to extend the Juvenile Justice Act and Runaway Youth Act for 4 years; (2) S. 2441, introduced by the senior Senator from Indiana to extend the Juvenile Justice and Runaway Youth Act for 5 years; and, (3) S. 2442, introduced by the senior Senator from Indiana, by request for the President, to extend the Juvenile Justice Act for 4 years.

The Violent Juvenile Crime Control Act reauthorizes the Juvenile Justice Act providing $200 million for each of 3 years and $225 million for each of 2 years through 1985.

S. 2441 also would do the following:

(1) Delegate the final authority for the Office of Juvenile Justice to the Administrator of the Office, but retain it in LEAA. Both the Dole bill and the administration bill do likewise.

(2) Require the Administrator of the Office to develop a detailed evaluation of sacred straighttype programs.

(3) Require the Administrator of the Office to appoint two deputies and one legal advisor.

(4) Increase citizen participation in the operation of the program.

(5) Retain the 19.15-percent maintenance of effort provision, but mandate that it be spent for programs aimed at curbing violent crimes committed by juveniles; namely, murder, forcible rape, aggravated assault, robbery, and arson involving bodily harm, with particular emphasis on identification, apprehension, speedy adjudication, sentencing and rehabilitation.

(6) Require the Administrator of the Office to implement the maintenance of effort, formula grant, discretionary grant, and other initiatives in the Office.

(7) Provide adequate administrative support for the Office.

(8) Extend the Runaway and Homeless Youth Act for 5 years in HHS at $25 million for each of 3 years and $30 million for each of 2 years through 1985.

(9) Provide the Secretary of HHS with the authority to fund national hotlines to link runaway, homeless, neglected, and abused youth with their families and with service providers.

(10) Mandate that any carryover funds from the Office of Juvenile Justice be automatically transferred to the Runaway and Homeless Youth Act by January 1 of each subsequent fiscal year.

This legislation is designed for accountability, efficiency, and a new initiative focusing on violent crimes committed by juveniles. It is an extension of the 1974 Juvenile Justice Act which will strengthen and stabilize our 6-year congressional commitment to the Act, while at the same time mandating that the Administrator of the Juvenile Justice Office has final responsibility for implementing the act's provisions.

During the 1970's our hearings and investigations in Washington and throughout the country led me to two important conclusions:

First, that our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble. The juvenile who took a car for a joy ride, or vandalized school property, or viewed shoplifting as a lark, was confronted by a system of justice often completely incapable of responding in a constructive manner.

However, during the late seventies and this new decade of the eighties, we have begun to build on our past experiences with the Juvenile Justice Act, making substantial progress not only at the Federal level, but also especially at the State, local, and private nonprofit level. We have the vital support of hundreds of private nonprofit groups who are doing a tremendous amount of advocacy work on behalf of youth.

We intend that the Juvenile Justice Office be an advocate for families and youth also. While at the same time protect the human, constitutional, and legal rights of our children.

I must admit, that some youngsters must be incarcerated in secure facilities not only for their own sake, but also for the protection of society. However, those young people are few. Secure incarceration should be reserved for those youth who commit serious, violent offenses and those who cannot be handled by any other alternatives.

But, it is still shocking to me that we incarcerate, in secure facilities, status and nonoffenders, those who are nonviolent and noncriminal, as well as our neglected and abused children, more often that those who are charged with or convicted of criminal offenses, including violent offenses. Status and nonoffenders are more likely to be institutionalized, and once incarcerated, more likely to be held in confinement for longer periods of time than those who are charged with or convicted of criminal offenses.

Yet, the Juvenile Justice Act of 1974, mandated that 75 percent of the status and nonoffenders be released from secure facilities within 3 years and 100 percent within 5 years. Yes, we have come a long way, but we must step up our monitoring capabilities at the Juvenile Justice Office if we are to succeed in our joint efforts.

Further, an important provision in the 1974 act required the separation of children and adults in any institution. I am very concerned to learn that the Office of Juvenile Justice, in responding to questions earlier submitted, related that only 10 States out of 50 have "reported compliance" with this provision of the act. I thought we had made more progress in these past 6 years since this provision has been in the act.

How many of these 10 States have actually been monitored to determine if they are "complying" with the act and not just "reporting compliance"?

This is an important question and one that I would like the Department of Justice to address this morning, in addition to other questions.

The cornerstone of the Juvenile Justice Act is delinquency prevention.

The Federal Government can play an important role in delinquency prevention, but not in isolation. Solutions to youth crime cannot be provided exclusively by the Federal Government. These problems will not be solved by simply passing a bill, issuing a report, holding a hearing, or signing a law in Washington.

The most valuable assets in our efforts to prevent juvenile crime are the family, the church, and our schools. Any successful preventive Federal juvenile justice effort must rely heavily on the commitment of interested citizens, community groups, State and local leaders, juvenile court judges, social workers, school personnel, religious leaders, and most importantly on the family.

It is imperative to keep the legislative process in this perspective. Legislation is never a solution or cure-all in itself; it is a framework within which a problem can be attacked. The better the legislation, the better the chance the system will meet and respond appropriately.

These amendments are one stop in attacking the problem of juvenile crime in a prudent manner. Equitable resources, in relation to our current juvenile population, potential creativity, and expertise must be committed to our juvenile offenders and nonoffenders, if we are to make any gains in addressing these problems in the eighties.

Our leadoff witnesses this morning will be representatives from the Department of Justice. Gentlemen please proceed with your statements and comments.

[The text of S. 2434, S. 2441, and S. 2442 follow:]

II

96TH CONGRESS
2D SESSION

S. 2434

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, JANUARY 3), 1980

Mr. DOLE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

AMENDMENT TO AUTHORIZATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by striking out the period at the end of the first sentence and inserting a comma and the following: "$100,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

(b) Section 341(a) of that Act (42 U.S.C. 5751(a)) is amended by striking out the period at the end thereof and inserting a comma and the following: "the sum of $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

AUTHORITY OF THE ASSISTANT ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 3. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by inserting immediately before the period at the end of the second sentence the following: ", under the policy direction and control of the Administrator".

(b) Section 201(d) of that Act (42 U.S.C. 5611(d)) is amended by striking out "subject to the direction of the Administrator" and inserting in lieu thereof "under the policy direction and control of the Administrator".

PERCENTAGE OF TOTAL APPROPRIATIONS EXPENDED FOR JUVENILE DELINQUENCY PROGRAMS

SEC. 4. (a) Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C 5671) is amended to read as follows:

"(b)(1) In addition to the funds appropriated under subsection (a) of this section, there shall be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with paragraph (2).

"(2) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

(b) Section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793a) is amended to read as follows:

"MAINTENANCE OF EFFORT

"SEC. 1002. (a) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations under this title for each fiscal year, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with subsection (b).

"(b) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

II

96TH CONGRESS
2D SESSION

S. 2441

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, JANUARY 3), 1980

Mr. BAYH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "Violent Juvenile Crime Control Act of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs (4) and (5) of section 102 of that Act are repealed.

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) A new subsection "(g)" is added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs, no later than December 31, 1980.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 204. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the

Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 205. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Justice System Improvement Act of 1979,".

(d) Section 223(a) of that Act is amended by striking out the last sentence.

(e) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(f) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 206. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 207. Section 225(b) (5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 208. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 209. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 210. Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

SEC. 211. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $200,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $225,000,000 for each of the fiscal years ending September 30, 1984, and 1985. Appropriated funds not obligated by the end of each fiscal year, shall revert to the Secretary for the purposes of Title III, no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act as amended by section 1002 of the Justice System Improvement Act of 1979 is amended by striking all after the last "appropriations" and inserting, "under the Justice System Improvement Act of 1979, for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 212. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

Sec. 213. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"Sec. 263. The amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

Sec. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

Sec. 302. (a) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway,".

Sec. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

Sec. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "Sec. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

SEC. 307. (a) Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $30,000,000 for each of the fiscal years ending September 30, 1984 and 1985.".

(b) Section 341(b) is amended by striking "Omnibus Crime Control and Safe Streets Act of 1968, as amended." and inserting "Justice System Improvement Act of 1979.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of the Justice System Improvement Act of 1979 is amended by striking out all that appears after "title" and inserting the following: "for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.".

SEC. 404. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

II

96TH CONGRESS
2D SESSION

S. 2442

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, JANUARY 3), 1980

Mr. BAYH (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice Amendments of 1980".

SEC. 2. Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 101(a)(4) is amended by inserting the words "alcohol and" after the word "abuse" and before the word "drugs".

(2) Section 101(a) is further amended by striking out the word "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of the serious juvenile offender, particularly in the areas of apprehension, identification, speedy adjudication, sentencing and rehabilitation.".

(3) Section 103(7) is amended to read as follows:

"(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;".

(4) Section 103(12) is amended to read as follows:

"(12) the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or nonoffenders or any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, part A of such Act is amended as follows:

(1) Section 206(c) is amended by inserting at the end thereof the following new sentence: "The Council shall review and make recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council.".

(2) Section 206(e) is amended to read as follows:

"(e) The Chairman of the Council shall, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the functions of the Council.".

(3) Section 207(d) is amended by inserting after the second sentence thereof the following new sentence: "Each group of appointments for four-year terms shall include at least two appointees who are members of a State advisory group established pursuant to section 223(a)(3) of this Act.".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, part B of such Act is amended as follows:

(1) Section 223(a)(10) is amended by striking the word "and" before the words "to establish and adopt", and by inserting after "juvenile justice standards" the following words: ", and to identify, adjudicate, and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender".

(2) Section 223(a)(10)(A) is amended by inserting after "rehabilitative service" the following: "including programs and services targeted to the treatment and rehabilitation of serious, violent, or chronic repeat juvenile offenders.".

(3) Section 223(a)(10) is further amended by adding at the end thereof the following new subparagraphs:

"(J) projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets;

"(K) programs designed to identify and focus resources upon the serious violent, or chronic repeat juvenile offender;

"(L) special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders;".

(4) Section 224(a)(10) is amended by striking the word "and" at the end thereof.

(5) Section 224(a)(11) is amended by striking the period at the end and inserting "; and" in lieu thereof.

(6) Section 224(a) is further amended by adding at the end thereof the following new paragraph:

"(12) develop and implement programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide resources necessary for informed dispositions of juvenile offenders.".

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, part C of such Act is amended as follows:

(1) Section 243(1) is amended by inserting the word "applied" after the word "coordinate".

(2) Section 243(5) is amended by inserting the word "applied" after the words "private agencies, such".

(3) Section 245 is amended by striking the words "Associate Administrator" and inserting the words "Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention" in lieu thereof.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 6. Title II, part D of such Act is amended as follows:

(1) The first sentence of section 261(a) is amended to read as follows: "To carry out the purposes of this title there is authorized to be appropriated such sums as are necessary for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984.".

(2) Section 261(b) is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, other than funds earmarked for research, evaluation, and statistics activities, each fiscal year, at least 20 per centum of the total appropriations for the Administration, for juvenile delinquency programs. The Administration shall provide an adequate share of research, evaluation, and statistics funding for juvenile delinquency programs and activities and is encouraged to provide funding for juvenile delinquency programs over and above the 20 per centum maintenance of effort minimum. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, subject to the review and approval of the Administration, shall publish guidelines for the implementation of this subsection.".

(3) Section 261 is further amended by adding at the end thereof the following new subsection:

"(c) A reasonable amount of the total annual appropriation under this title shall be allocated and expended by the Administration for the purpose of planning and implementing joint interagency programs and projects authorized under part A.".

Senator THURMOND. We welcome our first witnesses here this morning. We will now be pleased to call upon them.

We have a panel at the beginning here. Charles B. Renfrew, Deputy Attorney General, U.S. Department of Justice; Homer F. Broome, Administrator-Designate, Law Enforcement Assistant Administration; and Ira M. Schwartz, Administrator, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

I believe you have statements that you wish to present at this time. We will be glad to hear from you.

PANEL OF: HON. CHARLES B. RENFREW, DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE; HOMER F. BROOME, ADMINISTRATOR-DESIGNATE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; AND IRA M. SCHWARTZ, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. RENFREW. This is the first appearance that I am making as Deputy Attorney General before a Senate committee. I cannot think of a more important topic or one that is of more interest or concern to me than the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

As you may know, I spent over 8 years as a Federal district court judge. I have had an intimate, and too often painfully personal, acquaintance with the juvenile justice system in this country.

I can think of no greater area of greater priority or need than bringing attention to the juvenile justice system and the concerns that this legislation seeks to address.

You are looking today——

Senator THURMOND. We are glad to have you here. I want to commend you for being willing to give up a Federal judgeship to become the Deputy Attorney General. There aren't very many people who would give up a lifetime job like that to come and serve the country as you are doing.

Mr. RENFREW. Well, I hope that doesn't impair my credibility. [Laughter.]

Senator, I do speak with great feeling about this topic. The topic here, of course, is the reauthorization of legislation of great significance to our Nation's youth, the Juvenile Justice and Delinquency prevention Act.

On behalf of the administration and the Department of Justice, I strongly urge that this important program be continued.

The Juvenile Justice and Delinquency Prevention Act is change oriented and has had an impact far greater than many other Government programs of comparable size.

Since 1974, great progress has been made in removing status offenders and nonoffenders such as dependent and neglected youth from juvenile detention and correction facilities.

Most States have pledged to separate juveniles in institutions from regular contact with accused or adjudicated adult offenders. New alternatives to traditional juvenile justice system processing of children have been demonstrated. Government agencies and private, nonprofit organizations are joining together in cooperative programing to help young people.

Perhaps most importantly, we are moving away from merely reacting to youthful offenders. To a greater extent than ever before, we are working to prevent delinquency before it occurs. Prevention programs are being supported which focus on the schools and the educational process, which target the employment problems of young persons, and which deal with entire families as well as individuals.

The Juvenile Justice and Delinquency Prevention Act has caused officials at all levels of Government to rethink the ways they have been doing business, including those of us at the Federal level.

One place where an improvement must be made is in the area of coordination. It has been difficult to interrelate the varied missions and responsibilities of separate Federal units to reflect a national youth strategy.

The Coordinating Council on Juvenile Justice and Delinquency Prevention presents a unique opportunity for Federal agencies administering programs which impact on youth to marshal their forces and act in a unified manner.

I am very pleased to note that, with the strong support of the Attorney General, the groundwork has been laid by the Coordinating Council for more effective action.

This mechanism for promoting consistency among Federal agencies is being better utilized than in the past. It is receiving the personal attention of policymakers and has set out to accomplish some very realistic objectives that have far-reaching implications.

As you know, last May, the administration submitted to Congress its proposal to continue the authorization of the Juvenile Justice and Delinquency Prevention Act beyond fiscal 1980. I will not go into all the details of that proposal now, but I would like to address one issue of particular importance.

It has long been recognized that children require special protections when they come into contact with the criminal justice system.

An initial reason for the development of juvenile courts was to provide such protections and separate children from the adult criminal justice system. One area where we have failed to provide the necessary protection, however, is the placement of juveniles in adult jails and lockups.

The detention of juveniles in adult jails and lockups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution.

Perhaps the general lack of public awareness and low level of official action is due to a low level of visibility of juveniles in jails—but they are there.

Not until 1971, with the completion of the National Jail Census, did a clear and comprehensive picture of the jailing of juveniles surface.

On one day in 1970, the census revealed 7,800 juveniles living in 4,037 jails. A comparable census in 1974 estimated that the number of children held had grown to 12,744.

Significantly, these surveys excluded facilities holding persons less than 48 hours. This is critical with respect to juveniles because it is the police lockup and drunk tank to which alleged juvenile offenders are often relegated awaiting court appearance.

It has been conservatively estimated that 500,000 juveniles are admitted to adult jails and lockups each year. Who these children are is also significant. A recent nine-State survey by the Children's Defense Fund indicated that 18 percent of the juveniles in jails had not even been charged with an act which would be a crime if committed by an adult.

Four percent had committed no offense at all. Of those jailed on criminal-type offenses, 88 percent were there on property and minor charges.

The jailing of children is harmful to them in several ways. The most widely known harm is that of physical and sexual abuse by adults in the same facility. Even short-term pretrial or relocation detention exposes juveniles to assault, exploitation, and injury.

Sometimes, in an attempt to protect a child, local officials will isolate the child from contact with others. Because juveniles are highly vulnerable to emotional pressure, isolation of the type provided in adult facilities can have a long-term negative impact on an individual child's mental health.

Having been built for adults who have committed criminal acts, jails do not provide an environment suitable for the care and maintenance of delinquent juveniles or status offenders.

In addition, being treated like a prisoner reinforces a child's negative self-image. Even after release, a juvenile may be labeled as a criminal in his community as a result of his jailing, a stigma which can continue for a long period.

The impact of jail on children is reflected by another grim statistic—the suicide rate for juveniles incarcerated in adult jails during 1978 was approximately seven times the rate among children held in secure juvenile detention facilities.

Mr. Chairman, I could give other reasons why it is bad policy to place children in adult jails and lockups, both in social and economic terms. I am pleased to note a growing number of court decisions which concur in this view.

Placing children in jails has been found to violate their rights to treatment, to constitute a denial of due process, and to be cruel and unusual punishment.

Leading national organizations have been working together to address the jailing of juveniles, as well.

On April 25, 1979, the National Coalition for Jail Reform adopted, by consensus, the position that no person under age 18 should be held in an adult jail.

Members of the coalition include the American Correctional Association, the National Sheriff's Association, the National Association of Counties, the National League of Cities, the National Association of Blacks in Criminal Justice and the American Civil Liberties Union.

Despite this important attention, Mr. Chairman, the jailing of children remains a national catastrophe—one which this committee has an opportunity to address.

Great strides have been made under the Juvenile Justice Act in deinstitutionalizing status offenders and nonoffenders.

Pursuant to section 223(a)(13), of the act, fewer juveniles are detained in all types of institutional settings where they have regular contact with adults. But more can be done through the act to assure that juveniles are completely removed from adult jails and lockups, the most inappropriate of these institutional settings.

The current position of the Office of Juvenile Justice and Delinquency Prevention is that section 223(a)(13), requires at a minimum "sight and sound" separation of juveniles and adults in all institutions, including jails and lockups.

Such separation has been particularly difficult to accomplish in county jails and municipal lockups because adequate separation, as intended by the act, is virtually impossible within most of these institutions.

As a result, juveniles are often isolated in what are the most undesirable areas of the facilities, such as solitary cells and drunk tanks.

Also, there is no guarantee that children held in jails, though separated from adults, will receive even minimal services required to meet their special needs.

I propose to you that in reauthorizing the Juvenile Justice and Delinquency Prevention Act, Congress absolutely prohibit the detention or confinement of juveniles in any institution to which adults, whether convicted or awaiting trial are confined. Incentives should be provided to encourage the complete removal of children from adult jails and lockups as soon as possible.

I realize that it would be impossible to expect that the practices of prior decades can be changed overnight. It would also be unreasonable to suddenly demand that States which are making a good-faith effort to comply with current provisions of the act be immediately given an additional burden.

The requirement of the act that juveniles and adults be separated in all institutions is laudatory, but with respect to jails and lockups we must go further than separation.

I suggest that a requirement be included that within an additional 5 years, participating jurisdictions remove all juveniles from adult jails and lockups. This will enable the thorough planning and preparation which will be needed to initiate such major changes, particularly on the part of State juvenile justice advisory groups. Further incentives could be placed in the statute to encourage effective action.

Please note, I am not advocating the release from detention facilities of all youth. Juveniles alleged to have committeed serious crimes against persons may need to be detained, but just not in adult jails and lockups.

I might add, we have made an initial analysis of the cost that might be incurred in such a program. This analysis suggests that there will be a net savings in the long run for the proposal which I have suggested to be adopted compared with continuing to place juveniles in adult jails and lockups.

A more detailed cost analysis is being prepared and will be submitted to this committee upon its completion.

The Office of Juvenile Justice stands ready to provide appropriate technical assistance in the planning and implementation of efforts to remove children from jails. Special programs are now being developed to demonstrate the efficacy of this course of action. Many jurisdictions may be surprised to find that the benefits of removal go beyond assuring the basic rights of juveniles, but that there are also economic considerations.

Ira Schwartz, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as well as Mr. Henry Dogin of OJARS and Homer Broome of LEAA, who is here on my right, share my concern regarding this matter.

Mr. Schwartz and Mr. Broome are accompanying me. Mr. Schwartz has a statement for submission to the committee.

Thank you for inviting us and for your consideration of our views.

There is one thing I would like to add. That is an area that with which both the Attorney General and I are concerned to which we have given attention to. That is the indication that our juvenile justice system may have placed undue burdens upon minority children. This is a matter of concern which we are examining in some detail. Mr. Schwartz is more familiar with the details of this study and analysis. I want you to know it is a particular aspect of the juvenile justice system which we are examining at this time.

I thank you kindly for permitting me to testify here on this topic which means a great deal to me and to the Department of Justice.

Senator THURMOND. Judge, we are glad to have you with us. I might say for your first appearance, you did quite well.

Mr. RENFREW. Thank you Senator.

Senator THURMOND. Mr. Broome, do you have a written statement?

Mr. BROOME. I don't have any prepared statement, Mr. Chairman. I would like to state that I am very pleased to have the opportunity to appear before this committee during its deliberation on this important legislation.

On behalf of the Law Enforcement Assistance Administration, I strongly urge the continuation of this extremely important program.

As the Acting Administrator of LEAA, I promise my continued support and the high priority of this program.

Senator THURMOND. Thank you.

Mr. Schwartz, I believe you have a statement.

Mr. SCHWARTZ. Yes, Mr. Chairman.

Senator THURMOND. Now, I believe you have a long statement. [Laughter.]

We have only limited time here. We would like to hear all these witnesses. I believe you have a pretty thick statement here. I wonder if you could summarize in about 5 minutes, and we will put your whole statement in the record.

So, without objection, Mr. Schwartz' entire statement will go in the record at the conclusion of his oral testimony.

You may summarize for us in about 5 minutes.

TESTIMONY OF IRA M. SCHWARTZ

Mr. SCHWARTZ. Thank you very much, Mr. Chairman. I do not plan to read my testimony in full.

I first would like to extend my appreciation at appearing before this committee for the first time, particularly on the reauthorization of the Juvenile Justice Act. I am quite aware of the leadership which the chairman and other members of the committee have provided with respect to this important piece of legislation.

I am also particularly pleased and proud to be here with my two distinguished colleagues who represent both the Department of Justice and the Law Enforcement Assistance Administration.

I would like to briefly summarize some of the items covered in detail in my testimony and also elaborate on several of the items to which Judge Renfrew referred earlier.

The Juvenile Justice and Delinquency Prevention Act has had an impact far beyond the very limited resources that are available to it.

From 1970 to 1975, the number of cases that have been referred to juvenile courts in this country increased by nearly 29 percent.

In the first 3 years after passage of the act the number of cases that were referred to the juvenile courts in this country actually leveled off and in fact, decreased.

You indicated earlier, Mr. Chairman, that we are concerned about, and the legislation addresses, the number of status offenders referred to juvenile court. This number decreased by 21 percent during that same period of time after the passage of the act. The rate of detention of status offenders also decreased by nearly 50 percent during this same period of time.

We are encouraged by the number of States that are obviously making clear progress toward the objectives set forth in the legislation, including the deinstitutionalization provisions.

As Judge Renfrew indicated, there are a number of issues with respect to minorities and women as they affect the juvenile justice system.

The Attorney General addressed his concerns in this area in a speech at the Peter Rodino Institute indicating he was concerned about possible discriminatory practices in the juvenile justice system.

Judge Renfrew has also shared his concerns. These issues were highlighted at my Senate confirmation hearing by a number of people who raised questions regarding the record of the Office of Juvenile Justice in funding minority programs and its impact on minority youth.

Senator Bayh asked if I would look into those issues and present the findings to this committee.

I have asked for an independent study of the Office and its record with respect to the funding of minority programs and its impact on minority youth.

This study is headed by two persons, Judge William S. White, who is from Chicago, and Orlando Martinez, who is the head of the Division of Youth Services for the State of Colorado.

I have seen a preliminary draft of some of their findings. I have had a chance to discuss some of the issues with Judge White and Mr. Martinez. Some of the concerns that were shared with this committee during my confirmation hearing appear to be valid.

We are particularly focusing in on programmatic and administrative considerations as they affect minority youth.

When this study is in final form and submitted to me, I will make it available to the committee, along with an indication of some specific corrective steps that we hope to take.

One of the most useful pieces of data on this particular topic that has been used by Judge White and Mr. Martinez, is a recent study prepared under the auspices of the National Institute for Juvenile Justice conducted by the National Center for Juvenile Justice, in Pittsburgh, Pa.

Some of the highlights of this particular study indicate that members of racial minorities are processed differently by juvenile courts throughout the country, even when holding the reason for referral constant.

Members of racial minorities are more likely to be detained, more likely to be institutionalized, more likely to be formally processed at an earlier age, and spend more time in the juvenile justice system.

They are also more likely to be referred by police, again, when reasons for referral are held constant.

These factors and the results of the study that Judge White and Mr. Martinez will be submitting to me will be taken into account in developing the fiscal 1981 program plan for the Office.

With respect to the particular issues surrounding the reauthorization, I am pleased that there is unanimous agreement among the administration, Senator Bayh, Senator Dole, Congressman Andrews, and others, that the Juvenile Justice and Delinquency Prevention Act should be reauthorized.

The only questions that we have are with respect to form.

The various bills take different approaches to organization placement of the Office within the Department of Justice. This shows a need to carefully examine the impact of the Justice System Improvement Act on LEAA and the Office of Juvenile Justice before any determination is made whether the role and position of the Office can and should be changed.

With respect to S. 2441, we have a disagreement with respect to the provision of a legal adviser position. Generally speaking, the Office of General Counsel, formerly in LEAA and now probably in OJARS, serves this purpose.

The Administrator of Juvenile Justice and Delinquency Prevention must have the ability to work cooperatively within the law enforcement assistance structure. We feel we have been provided adequate legal assistance to this point.

With respect to having unspent funds revert to the Department of Health, Education, and Welfare at the end of the year, we find that this particular provision is particularly troublesome.

It is sometimes difficult to anticipate or to control reasons for funds not being completely spent in one year. This could possibly result from new priorities, different appropriation levels, late appropriation action or other kinds of delays. It is unprecedented for one agency's funds to revert to another department and bypass the normal appropriation process.

We expect that fiscal year 1980 funds will be obligated in 1980.

We recognize that the Office in the past has had significant carryover problems. These were resolved by the previous Administrator of the Office, John Rector. I am carrying through on those particular corrective actions instituted earlier.

We are particularly disturbed over the possibility that maintenance of effort funds would be limited solely to violent juvenile offenders. Based upon the national studies conducted by the office as well as other groups and organizations, we find that the incidence of violent juvenile crime has actually been decreasing. Certainly the number of juveniles involved in these particular offenses is very small.

Focusing a large volume of resources on a very small number of juveniles would be disproportionate and would remove the flexibility that the Office has to provide resources to States to assist those juveniles who may be involved with the juvenile justice system.

We also oppose the maintenance of effort level being the same percent as the States spend of its own criminal justice funds. This would perpetuate existing practices and would not help to assure that Juvenile Justice and Delinquency Prevention Act funds supplement LEAA existing efforts.

In preparation for this particular hearing, we submitted through Mr. Broome's office, detailed responses to a number of questions prior to the hearing. I appreciate the opportunity to work with this committee and would like to point out that the responses were prepared under severe time constraints. I apologize if there are any inconsistencies in the material that we submitted.

We would be more than happy to work with the committee staff to resolve any of the differences that may be found.

I would be more than happy now to answer any questions Senator that you and others may have.

Thank you.

Senator THURMOND. Thank you very much. I am glad to have you with us, Mr. Schwartz.

Incidentally, the Legislature of South Carolina last week elected Mr. Raymond Schwartz as the new speaker of the house beginning next year. It is the same name as yours. I just wondered if you are any relation to him. If so, you are a pretty good fellow. [Laughter.]

Mr. SCHWARTZ. No relation, Senator, but we are both good fellows. [Laughter.]

Senator THURMOND. I have a few questions here. Judge Renfrew, I will propound them to you, but if you prefer for one of the other gentlemen to answer them it will be all right.

Does the administration's fiscal year 1981 budget request contain funds for a juvenile justice program?

Mr. RENFREW. Yes, it does.

Senator THURMOND. How much Federal money has been spent on the juvenile justice program since 1974?

Mr. RENFREW. I will defer to Mr. Schwartz on that one, Senator.

Mr. SCHWARTZ. Senator, the total amount of funds spent was included in the material that was forwarded to the committee. I don't have the exact figure right on the top of my head, but I believe it was included in that material. If not, we certainly could provide it.[1]

Senator THURMOND. Will you provide that for the record?

Mr. SCHWARTZ. Yes.

Senator THURMOND. The first question I asked Judge Renfrew, if the administration's fiscal year 1981 budget request contain funds for a juvenile justice program. Can you tell us how much that was?

Mr. SCHWARTZ. The request was for $100 million, Senator.

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[1] See appendix, pages 268, 339.

Senator **Thurmond.** Now in your opinion, has this money been spent effectively?

Judge, you haven't been there so you would not know. Mr. Schwartz, how about you,

You haven't been there long either, have you? [Laughter.]

Mr. Broome, how long have you been there?

Mr. **Broome.** I haven't been there very long either. [Laughter.]

I have been the Acting Administrator for 2 months. I was Deputy Administrator for a year.

Senator **Thurmond.** We might let you express an opinion then.

Mr. **Broome.** Are we talking about a particular year?

Senator **Thurmond.** I was speaking about since 1974, since it was started. We would like to know the amount spent since then. We would like to have the opinion as to whether or not it has been spent effectively.

In other words, has the money spent been effective? Has it accomplished the goal? Has it met its mission?

Those are the questions. If you want to answer them for the record it would be all right.

Mr. **Schwartz.** Senator, I would like to respond to that question, if I could.

In the formal testimony I submitted, I indicated that 51 States and territories are now participating in the Juvenile Justice and Delinquency Prevention Act formula grant program.

Thus far this year, 41 jurisdictions have received approval for the fiscal 1980 plans.

The monitoring reports that we have received indicate that 33 States and territories have demonstrated substantial compliance with the deinstitutionalization mandate of section 223(a)(12). An additional 13 States have shown significant progress toward compliance.

There are 15 States in full compliance with the separation requirement of the act, and another 21 States have shown significant progress.

That is a very significant and admirable record.

Senator **Thurmond.** I understand there are 15 which report compliance. Do you actually know how many did comply?

Mr. **Schwartz.** While in the main, Senator, we are dependent upon self-reported data from the States, we also fund independent monitoring of compliance with onsite verification.

We feel fairly comfortable with the figures that have been presented to us by the States.

Senator **Thurmond.** Does the administration have any plans to reprogram unused LEAA funds into the juvenile justice area?

Mr. **Renfrew.** I again will defer to Mr. Schwartz on this one, Senator.

Mr. **Schwartz.** Regarding LEAA funds, I would have to defer to Mr. Broome.

Mr. **Broome.** There was no 1979 carryover which was used for juvenile justice. There was substantial carryover in the juvenile justice budget, and the LEAA budget had been reduced.

We utilized most of that money in trying to adhere to our national priorities and discretionary grant efforts.

There was no reappropriation of any carryover to juvenile justice.

Senator THURMOND. Well, if you have any funds over this year, do you plan to use them to reprogram them into the juvenile justice area?

Mr. BROOME. We would definitely consider that. It might be noted, Mr. Chairman, that thus far this year we have had to supplement the small States formula grant effort because our budget was so small.

Thus, the possibility of having much carryover is very limited.

In addition, we have a very strong mandate to adhere to the Biden Amendment, section 816 of our new legislation which calls for us to report on the funding of national priority and discretionary grant programs likely to be effective. Forty-seven such programs have been so designated.

After those considerations, if there is an indication of there being a real need within JJ, we will give that special attention.

Senator THURMOND. Now, can any of you answer this question? To what extent can the increase in violent crimes be attributed to youthful offenders?

Mr. SCHWARTZ. Senator, if you are referring to juveniles under the age of 18, we have quite a bit of information on that particular topic.

Our data shows that the incidence of violent juvenile crime has actually been decreasing.

This is one of the reasons why we feel that it would be inappropriate to reserve all of the maintenance of effort funds for this particular population.

It is a serious problem. It is a problem that is being addressed by the office.

Later this year, we will be obligating funds for an initiative to demonstrate the kinds of things that can be done for the serious violent offender. We feel that the resources that we are already allocating are appropriate for that particular problem.

Senator THURMOND. Staff just spoke to me and said that the number of young people has lessened, there has been a decrease in the number of children; is that correct?

Mr. SCHWARTZ. That is correct.

Senator THURMOND. Of course, you can't blame me for that. I have four little ones. [Laughter.]

What do you think has caused this increase in violent crimes rather than the usual amount of property crimes and vandalism?

Mr. SCHWARTZ. I hope in part the Juvenile Justice and Delinquency Prevention Act has been responsible for the decrease. Since the passage of the act, the incidence of violent juvenile crime has decreased along with the overall number of arrests of juveniles.

Senator THURMOND. There has been an increase in violent crimes, there may not have been in juveniles, but there has been an increase.

Mr. SCHWARTZ. That is correct, Senator.

Senator THURMOND. What would you attribute that to? For instance, to drugs or just what do you think has caused this increase?

Mr. SCHWARTZ. Referring to adults, the increase may have resulted in part from unemployment and other kinds of social problems associated with that.

I am not an expert in the adult area. I really can't speak to that issue. Perhaps Mr. Broome, who is my colleague on the adult side of LEAA can——

Senator **Thurmond**. I would be glad to hear from all of you on that, Judge, you and Mr. Broome both.

Mr. **Broome**. Mr. Chairman, there have been many theories that have been presented regarding the increase in violent crime. It is a multifaceted problem.

I feel very strongly that there are both social and economic ties that range from unemployment, which has to be a definite factor, to the high density housing problem, and include fatherless homes, as well as the deteriorating situation in many of our schools.

There are a number of factors that may contribute to violent crime. It is very difficult to put your finger on any one, two, or three. Without a doubt they basically lie within socio-economic factors that exist today.

Senator **Thurmond**. Well, you know, there are a lot of countries in the world that have much more poverty than we do here in the United States. Their crime rate is less than half ours. How do you reconcile that?

Mr. **Broome**. I haven't studied those countries. I do know one thing. We have a very strong reporting system in America, largely because of the cooperation between law enforcement officials and the FBI with its uniform crime reporting system.

I don't know if other countries have that type of index for determining what the crime situation is. I wouldn't be able to compare them.

Senator **Thurmond**. Well, the crime situation in the United States is just astonishing, and I think it is disgraceful, to be frank with you.

Mr. **Broome**. I agree with you.

Senator **Thurmond**. I just wondered what you attribute it to.

Judge, do you have any suggestions?

Mr. **Renfrew**. Well, I think that Mr. Broome has put his finger on a number of the factors. Crime is a matter of concern. It indeed is one that needs to be addressed and addressed effectively.

For all of these factors, the unemployment, the fatherless home, the high density, the deteriorating schools, we shouldn't lose sight of the fact the overwhelming majority of children that suffer these experiences and live in these type of environments are not criminals.

What we have to do is be more precise and isolate the combination of particular factors which lead a particular child under these circumstances to criminal activity and another not.

It is a question we must deal with, but we cannot be mesmerized by the end results of crime without taking a look at some of the factors which have led to it and contributed to it.

We have to address on a wide range of fronts.

Senator **Thurmond**. In talking with educators and law enforcement people too, I have just been amazed at the prevalence of drugs in the schools, in the colleges, and out among the population.

Mr. **Renfrew**. Yes; it is a problem. It is not, however, a problem which is restricted or isolated to this country.

Let me just give you one example. It may well be in an affluent, industrialized, highly urbanized society that drugs may be just a factor that such a society must deal with.

In West Germany, in 1969, they had either eight or nine deaths from overdoses of drugs.

In just 10 years that number went up to well over 600.

The overdose from drugs in West Germany is at a rate two or three times higher than anywhere experienced in this country, including New York City.

So, the drug usage and the drug problem is not restricted to the United States.

Senator THURMOND. There have been some studies made recently on marihuana showing how it affects the brain. I believe Senator Mathias plans to offer an amendment to the provision of the Code on that to take it back to the present level, to make it illegal.

At any rate, it is just surprising to see the harmful effects of marihuana on the brain as well as on other parts of the body. There are so many factors that enter into this but I just wondered if you had any opinion about the drug use?

Mr. RENFREW. I do not have an opinion. I am not familiar with that study, Senator.

Senator THURMOND. I just have two more questions. Senator Bayh has come in and I will turn it over to him.

What do you think has caused this increase in violent crimes rather than the usual amount of property crimes and vandalism?

Mr. RENFREW. It is my understanding that the increase in violent crime is associated with the adult offender rather than the juvenile offender. There has been an actual decrease in the amount of violent crime by juvenile offenders.

Mr. SCHWARTZ. Senator, building on what Judge Renfrew said, in a recent working group session where the Office of Juvenile Justice called together a number of experts, concerned citizens, and agency personnel concerned with juvenile justice to talk about the incidence of violent juvenile crime and to help us formulate our posture. It was indicated that not only is it going down, it involved a small number of juveniles. Some longitudinal studies show that 10 to 15 or perhaps 20 percent of the juveniles who commit those crimes commit the majority of the violent crimes.

Not only are we talking about a very small number, but even within that, a very small number of those who commit those kinds of crimes appear to commit the majority of them.

Senator THURMOND. Would a strong Federal program of illegal drug enforcement lead to a reduction in violent crimes among juveniles?

Mr. SCHWARTZ. Senator, I would hope that that is a possibility, although I don't know. I would have to consult what the research and information tells us in terms of what the possibilities might be with respect to that particular question.

Senator THURMOND. I want to thank you gentlemen for your appearance here. Senator Bayh has come in now, and I will turn this chair over to him. I have another engagement.

Senator Bayh, if you will take charge.

Senator BAYH [presiding]. Thank you, Senator Thurmond.

Senator THURMOND. I will take down my name and put up yours.

Senator BAYH. You are a hard act to follow.

Senator THURMOND. Thank you.

Senator BAYH. I appreciate Senator Thurmond starting the hearing and running them here this morning. I apologize to or leadoff witnesses here for being obligated elsewhere, but I appreciate your presence.

Let me just ask one general question. I think we will have a chance to address ourselves to specifics in writing, if we might.

From the inception of this effort to deal with the problem of youth crime as it relates to the overall criminal activity picture we have tried to do two things.

One, to point out that youth crime itself is a significant part of the overall crime picture.

Two, to recognize that society has tended to deal with it too late and in a manner that tends to compound the problem rather than solve it. Taking a young status offender and putting him or her in a confined situation with those young and or old who have participated in much more sophisticated and dangerous crimes to society, for example.

We really, in many of our institutions, well intentioned as they might be, instead of rehabilitating, we were providing a sort of on-the-job training course as to how to be more effective as a criminal in your efforts against society.

We are emphasizing in this second point, prevention. There is a lot of talk about prevention being worth more than a pound of cure. In this area, it seemed to me, we were doing very little in preventing. We had some programs that were designed to try to create alternatives in the youth service bureaus and other efforts at the local level to try to create alternatives to the present environment, which was not good.

We were equally interested in trying to deal with the structural problem as far as too many young people were being institutionalized who did not commit crimes.

Could you gentlemen tell me, are we headed in the right direction? We didn't expect for one law, the Juvenile Justice Act, in a relatively short period of time, to turn this thing around.

Can you give us basically a judgment as to whether there is a concept at the Department of Justice of trying to deal with the children's problems before they become adolescent problems, before they become young adult problems, before they become three-time losers and end up in a lifetime of crime.

Is that approach worthy of continuing and has the general thrust of the Juvenile Justice Act and the Runaway Youth Act, been salutory as far as trying to get things turned around?

Mr. RENFREW. Let me speak, Senator, not in my present position, which I have onlyy held for a couple of weeks, but as a trial judge who had a responsibility of imposing sentence on people who have violated the laws and been found guilty of doing so or plead guilty. We are absolutely on the right track.

The pattern that you have described is one that I saw constantly and is one that has to be addressed and remedied.

The specifics of how we are doing it I have to leave to Mr. Schwartz, but I am absolutely persuaded, based upon over 8 years in the criminal justice system as an active participant, that the approach that is contained in this legislation is absolutely vital, if anything is going to be done about dealing with the problems of crime.

The people that came before me as adults had records that went back into their juvenile days. It was just a record that you saw repeated time and time and time again. Little if anything has been done in those very early days in trying to address the needs and concerns of the juvenile besides simply put them into some type of lockup, some type of correction center. As you suggested, they were incarcerated with people who assisted them and taught them more sophisticated, dangerous criminal methods.

I am absolutely persuaded you are on the right road. I will let Mr. Schwartz answer in detail.

Mr. SCHWARTZ. I would like to make a couple of comments in that area.

I too, am not only convinced, but also feel that the evidence shows that we even need to do a lot more. That is one of the reasons why the Department is suggesting that an amendment be added to our legislation calling for the prohibition of the jailing of juveniles.

There is a wealth of data now to show that the decision to detain, whether it be in a jail or a detention center, has enormously severe consequences for juveniles.

Programs should be designed to keep juveniles out of institutions who don't need that kind of care, to help them stay together, to learn how to live together cooperatively, to provide opportunities for juveniles to attain an education. These are much more successful than shunting them off to institutions, as has been the practice in the past.

The Juvenile Justice Act certainly has not by its meager resources been able to fund all of the programs that have been successful. If anything, the Office, through the legislation and the limited resources it has, has supported a policy direction that has resulted in the changes in a lot of practices on the parts of States and counties across the country.

There is substantial evidence that the act is working, particularly with respect to the deinstitutionalization of status offenders. Enormous progress has been made there.

The record is quite good. Now is the time to do more.

Mr. BROOME. I would like to just make one very brief comment addressed to that issue. Despite my brief association with LEAA, I feel strongly that the philosophy behind the act is a very good one. In the 14 or 15 months I have been with LEAA, I have seen the administration of the program moving forward.

We have a good act that got off to a slow start. Now, after some turnabout, it is moving forward. It should bear even more fruit than it has in the past.

Mr. SCHWARTZ. Senator, I would just like to add one thing that I mentioned earlier. There are some trouble spots. One has to do with the handling of minorities with respect to the Juvenile Justice System.

I would like to submit a report for the record, prepared for our office by the National Center for Juvenile Justice.

It indicates that members of racial minorities are processed differently by the courts, even holding reasons for referral constant.

Members of minorities are more likely to be detained and particularly at an earlier age, more likely to be institutionalized and more likely to be formally processed through the courts. These are some very troubling pieces of information. These are issues that the Office must address in the future, particularly as we enter 1981.

As you will recall, during my Senate confirmation hearings, there were a number of questions raised with respect to the Office and its track record regarding minority issues.

We are having an independent assessment of the Office's role and responsibilities in that area prepared. We will be submitting a report to this committee, along with my recommendations for corrective action.

There is no question there are some very troubling areas with respect to minorities that must be addressed by the Office.

Senator BAYH. I thank you.

I am really looking forward to working with this new team. We have had good folks working with us in the past and some that were not so sensitive earlier.

Mr. Schwartz, you are exceptionally well qualified to fill that post. You know it is sort of close to friendly advocacy within LEAA, that I trust, Mr. Broome, when we get around to getting a quorum, we are going to put that title on you permanently.

Mr. BROOME. I would appreciate it, sir. [Laughter.]

Senator BAYH. I hope you have been on the payroll in the interim. [Laughter.]

Judge Renfrew, I think we all owe you a debt. There are not many folks that would leave the prestige and the security of a Federal judgeship to serve in the very important role that you are serving. I think it shows your dedication to public service.

I hope that as we are looking at this program, it is one thing to say we are not going to institutionalize. It is another thing to say we are not going to institutionalize and we are going to provide alternatives.

We have some young people, but very few, that are real troublemakers and if we are not able to deal with them the way society expects and their acts deserve, then we are going to bring discredit on the whole program.

I think the very fact that we have status offenders that won't go to school and run away from home is indicative of children who have trouble, children that in the present setting, in their own environment are not able to cope.

I would hope we would understand we just have to go hand-in-hand with saying you cannot put a child in jail. We do not ignore the fact that that child still needs help and that child still has trouble. If we aren't coping with that just keeping the child out of the institutionalized structure is not the response.

Now, are we really going to emphasize that? I am concerned particularly this year with the budgetary crunch that we are all feeling, that we recognize the need to really stand in there and hang tough. I hope you will let me do whatever I might, what little influence I might have to see that if there is ever a program where the expenditure of a few dollars prohibits society from having to pay a lot bigger bill, it is this one.

Are we going to be able to proceed here to really explore and expand alternatives? That is the idea, alternatives to institutionalization. Not no institutionalization, but alternatives to institutionalization.

Mr. RENFREW. Absolutely, Senator. It would be the most ironic thing in the world to take a juvenile who is having the difficulties that you mentioned that constitute a status offense, and tell that juvenile, "Now, if you go out and assault somebody or rob a bank, we would put you in an institution and give you vocational training, educational training, psychological counseling, assist you in a halfway house when you get out and try to help you with the Parole Commission to obtain a job and assist your reentry into life. But until you commit a crime, we are going to afford you no assistance at all."

No; we have the concerns that you have addressed well in mind and are oriented toward finding alternatives to the institutionalizing of people.

Absolutely.

Senator BAYH. I am sure you as a judge have been in this position before. I will always recall at the very embrionic stage when we were trying to get this measure passed going to a halfway house in Boston. The neighborhood and the community was very much in arms and there was a real threat that that institution might be closed.

The reason was that a judge, either not having proper knowledge or being insensitive or perhaps having alternatives, nevertheless, he sentenced someone to that kind of an institution that had committed a rape.

While that person was in a nonsecure facility, he did commit another rape. It is that ability to distinguish between people who really need custodial care and the great number that need alternative kinds of services that I just think we have to emphasize.

Mr. Schwartz, if you could give us a report as to what we are doing to try to make it possible—and we have done a lot of talking about this. In some communities they are doing this—and unfortunately, large numbers are not—to assit those communities, those school corporations who have an inclination to bring a more sophisticated kind of counseling service into the grade schools. Not the kind we are talking about of professional and educational counseling for, say, juniors and seniors in high school, but the kind of attention that can really help solve children's problems that are manifest to almost every grade school teacher in America today.

They see that Johnny and Suzy have trouble. We ignore that trouble. We ignore the family situation which may be nonexistent, then we wonder why Johnny and Suzy get into deep trouble later on.

Could you let us know what is being done in this regard or what we might do to help create additional incentives in this area?

We just have to get to the solving of these problems. I don't believe any kid is born a three-time loser. Yet, we have a lot of youngsters who are born in environments none of them have any control over what family they are born in.

I am not trying to excuse some of the misdeeds of young people, but we are trying to explain and understand how that happens and see what we can do 5 or 6 years ahead of time to keep it from happening. Will you let us have your assessment of that, please?

Mr. SCHWARTZ. I wish I could take credit for this, but people who are more thoughful than I started this earlier with respect to the office.

There are several things that the office is providing support for. One is the national school resource network project which accumulates some of the best information available on all the good things that are going on around the country and makes them available to schools, parents, PTA groups, and others.

There are a lot of good programs that are going on that people are not aware of. They are providing information regarding ideas as to how programs can be implemented in local school districts.

In addition, the office is moving ahead this year with some of our own funds, as well as with some funds from the Department of Labor, on an alternative education initiative.

We are already receiving applications for that.

The office recognizes the important role of schools and the need to do something in that area. It is something that has been a longstanding priority and will continue to be.

Through the coordinating council, particularly with the leadership that the Attorney General has shown we hope to involve other Federal agencies in more joint efforts with our office. There is a need to get other Federal agencies to participate more in that kind of a process.

You are going to see a lot more in that particular area.

Senator Bayh. Thank you. As you may know I was the leading force in getting the Department to establish the national school resource network project. You gentlemen have been very patient here. I am sorry I was not here at the beginning. I appreciate Senator Thurmond commencing the hearing.

We may have some other questions we would like to submit for the record, if we could. We look forward to working with you.

Mr. Renfrew. Thank you Senator.

Mr. Schwartz. We do too, Senator Bayh.

Mr. Broome. Thank you.

[Mr. Schwartz's prepared statement follows:]

PREPARED STATEMENT OF IRA M. SCHWARTZ

It is a pleasure, Mr. Chairman, to appear before this Committee today on behalf of the Office of Juvenile Justice and Delinquency Prevention to discuss reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

As you know, I have been Administrator of the Office for only a few months. I came to the position with a sincere appreciation of the importance of this legislation. I am strongly committed to the goals which the Act seeks to accomplish and urge that you support reauthorization so that this vital work can continue.

Since enactment of the Juvenile Justice Act, this Committee has held a number of hearings to examine the operations of the Office. Our personnel have also made an extra effort to work with the Committee staff to assure that you are aware of significant developments relating to implementation of the Act. Your active interest in the program is appreciated.

In my statement today, Mr. Chairman, I would like to briefly discuss the status of operations of the Office. I also have some comments on aspects of S. 2441, the proposed "Violent Juvenile Crime Control Act of 1980," introduced by Senator Bayh, and S. 2434, the proposed "Juvenile Justice and Delinquency Prevention Act Amendments of 1980," introduced by Senator Dole. These measures will be discussed as they relate to S. 2442, the Administration's proposal which has been introduced by request.

The Juvenile Justice and Delinquency Prevention Act has had an impact far beyond its resources. Passage of the legislation caused persons both within and without the juvenile and criminal justice systems to question old ways of doing business and, in many instances, change their procedures.

A special report recently prepared for the Office by the National Institute for Juvenile Justice and Delinquency Prevention provides evidence of the extent of this impact:

> Since 1957 there has been a gradual increase in the number of cases referred to juvenile courts. Between 1970–1975 the total number of cases referred to juvenile courts increased by 28.8 percent.
>
> In the first 3 years following passage of the JJDP Act (1975–1977) the total number of cases referred to juvenile courts decreased by 3.6 percent.
>
> This decrease is largely accounted for by a 21.3 percent decrease in the number of status offenders referred to juvenile courts during 1975–1977.
>
> During the period 1975–1977 the percentage of youth detained among all youth referred to juvenile courts remained fairly constant at about 16 percent.
>
> Between 1975 and 1977 the percentage of status offenders referred to juvenile courts decreased from 32.6 to 21.1 percent. During this period the rate of detention of status offenders decreased by nearly 50 percent.

Certainly many factors have influenced these remarkable changes. I sincerely believe, though, that a major influence in accomplishing these reductions was the clear policy of the Act in support of these developments.

FORMULA GRANTS

Fifty-one states and territories are now participating in the JJDP Act formula grant program. Thus far this year, 41 jurisdictions have received OJJDP approval of their fiscal year 1980 formula grant plans. All participating states have established a monitoring system in compliance with section 223(a)(14) of the Act.

Monitoring reports for fiscal year 1979 indicate that 33 states and territories have demonstrated substantial compliance with the deinstitutionalization mandate of section 223(a)(12). An additional 13 states have shown significant progress toward substantial compliance.

There are 15 states in full compliance with the separation requirement of section 223(a)(13) of the Act. Another 21 have shown significant progress toward compliance.

Our records indicate, Mr. Chairman, that of a total of $61,631,000 in formula grants awarded in 1979, $36,406,569 or 59 percent was allocated to programs which had deinstitutionalization of status offenders and non-offenders as their objective. Every state participating in the formula grant program except three—New Jersey, the District of Columbia, and the Trust Territory of the Pacific Islands—allocated a portion of their formula grant to deinstitutionalization. New York, Florida, California, Georgia, North Carolina, Ohio, Pennsylvania and Texas allocated particularly large sums of their formula grant award for this specific purpose.

OJJDP also examined state plans to ensure that funds were being equitably allocated towards separation and monitoring. Twelve states allocated $3,658,936 of their total formula grant allocation for separation programs. The remaining 39 states participating in the Act either did not have a problem with the separation of juveniles and adults or used other funds such as Crime Control Act or state levy monies to address the problem.

Eighteen states surveyed allocated $812,075 of their JJDP awards for monitoring purposes. This figure does not include sums from administrative funds which many state criminal justice councils use for monitoring. We have also assured, Mr. Chairman, that all states participating in the Act are awarding at least 75 percent of their funds for programs utilizing advanced techniques, as required by section 223(a)(10).

TECHNICAL ASSISTANCE

Over 300 instances of technical assistance were provided in fiscal year 1979. This assistance was primarily in the following areas: Alternatives to secure confinement; Removal of juveniles from adult jails; Maximum utilization of existing resources; Deinstitutionalization of status offenders and non-offenders; Legislative reform; Monitoring compliance with sections 223(a)(12) and (13) of the Act; Building community support for positive system change; Increased management capability; and, Delinquency prevention. A number of major publications have been developed to provide additional assistance.

SPECIAL EMPHASIS PROGRAMS

Of the $189,120,000 allocated for Special Emphasis programs since fiscal year 1975, $139,258,672 had been obligated as of March 15, 1980. This includes $89,353,000 of JJDP Act funds and $49,905,672 in LEAA Crime Control Act funds. Applications for a Youth Advocacy Initiative are now being processed and awards are expected to be made by the end of April. Guidelines have been issued for an Alternative Education Initiative and applications are due by April 30. This Initiative is of particular note because $3 million of the $11 million to be awarded are funds contributed by the Department of Labor. Guidelines were recently published in draft form for a Prevention Research and Development Program. Additional programs will be announced in the areas of Removal of Youth from Jails, Treatment of Juveniles Adjudicated for Violent Offenses, and Capacity Building. We expect that awards under all of these initiatives except Capacity Buildings, which is scheduled for next fiscal year, will be made by the end of fiscal year 1980. The total projected obligation for fiscal year 1980 is $52,189,000, which includes $37,045,000 in JJDP Act funds and $15,144,000 of Crime Control Act funds.

To date, Special Emphasis programs have served nearly 60,000 young people through 267 grants operating in 544 sites. Approximately 70 percent of the Special Emphasis funds have gone to private nonprofit organizations, a sum far in excess of the thirty percent required by law.

Our strategy for development and implementation of Special Emphasis programs has been based very specifically on the requirements of the Act. Programs have been structured and funded in ways which call national attention to distinct categories of youth. Specific performance standards are set for delivery of services. Each initiative has been funded as a group of projects, with emphasis on overall program goals as opposed to specific project objectives. Sizeable grants have been made to permit comprehensive planning, as opposed to planning for limited project objectives. Project periods have been specified and measurable objectives prescribed for those periods. Assurance of funding, within the limits of availability of funds, has been provided in advance.

Projects are monitored by OJJDP staff and groups of grantees meet two or more times a year for monitoring and to receive technical assistance. This helps grantees under each Special Emphasis Initiative see themselves as part of a national program.

The National Institute for Juvenile Justice and Delinquency Prevention is built into Special Emphasis program funding in several respects. Before an Initiative is even announced, the Institute supports intensive research which is applied to design of the program. During and after the project period, the Institute may have a role in the evaluation of program effectiveness. Such evaluations make possible the identification of successful approaches and models suitable for replication.

Special Emphasis programs are designed to direct attention to problems with the juvenile justice system and the human services delivery system. When several agencies participate in a program, written agreements among them are required. In addition, requirements such as coordination of services, involvement of youth, parents and community residents in projects, and consortium program implementation have all assisted in addressing the broad objective of systemic change.

RESEARCH, EVALUATION, AND PROGRAM DEVELOPMENT

Consistent with the mandate of the Act, the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) has supported research to develop baseline data regarding the extent, nature and characteristics of delinquency and delinquents. Data has been collected pertaining to juvenile justice system processing of young people, and information is disseminated with respect to prevention programs and alternatives to traditional means which official agencies utilize to deal with children.

Among the accomplishments of NIJJDP is an improved and expanded national juvenile justice statistical reporting system. In addition to juvenile court statistics, the system also yields national offender-based saytems flow data, beginning with police handling of young suspects. To amplify current data, the Institute is supporting a national survey of self-reported delinquency which will include the incidence and characteristics of drug use among a sample of juveniles. Such data is of vital significance for the development and maintenance of cost-effective delinquency programs.

Through the Assessment Center for Delinquent Behavior and Prevention at the University of Washington, NIJJDP can inform state and local prevention organizations what other agencies across the nation are doing. Evaluations are being supported to determine what types of programs work in addressing different juvenile problems. A number of conclusions have been reached as a result of this activity regarding which delinquency prevention strategies are most promising.

Among the topics on which the Institute has or will soon have research or evaluation results are the following: Deinstitutionalization of status offenders; Alternatives to secure detention; Diversion of delinquents from the juvenile justice system; Restitution; Learning disabilities and juvenile delinquency; Reduction of school crime and educational disruption; Serious juvenile offenders; and, Handling offenders outside the official system.

Beyond national assessments, evaluations and data base development, NIJJDP also supports an unsolicited research program. The essence of this program has been the development of new knowledge pertaining to the causes, correlates and remedial properties of delinquency. Research has focused on significant variables pertaining to delinquency and to possible intervention strategies involving the family, peer and community relationships, and the economic and social service systems.

A further component of the NIJJDP research effort is a newly formed minority-based research initiative. A deliberate effort is being made to encourage minority-based grant applications. Although no final decision has been made, we are also considering research next year specifically into the issue of disproportionate representation of minorities in the juvenile justice system.

CONCENTRATION OF FEDERAL EFFORT

Billions of Federal dollars impact on youth every year. The Department of Justice, through OJJDP, has been given responsibility in the JJDP Act for setting objectives and priorities for Federal juvenile delinquency programs. The Coordinating Council on Juvenile Justice and Delinquency Prevention, chaired by the Attorney General, is an important part of the effort to assure that there is consistency among the member Departments and agencies.

Today, the Coordinating Council is in a better position than in prior years to fulfill its legislative mandate and combat the fragmentation which has characterized the Government's response to youth crime. The Council has undertaken to assure that its efforts are not spread among too many areas and has focused on eight specific tasks. These range from making recommendations regarding juvenile delinquency policy to reviewing joint funding efforts among member agencies. The Council is also undertaking to determine the degree to which the practices of various agencies are consistent with the deinstitutionalization and separation mandates of the JJDP Act.

In the past, the Council has not had clearly articulated goals and objectives, nor have the tasks before it been delineated. Staff support for the Council has not been adequate and the work of the Council has not been organized so as to allow for the most advantageous use of the relatively small amount of time that members can devote to these activities. These problems are all being addressed. Of particular help will be the contract support for the work of the Council which is being provided by OJJDP. A workplan has been developed and will be followed. We are also endeavoring to assure that the Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs is a useful document for policymakers in both Congress and the Executive Branch.

LEGISLATION PENDING BEFORE THE COMMITTEE

I now turn my attention, Mr. Chairman, to the bills pending before the Committee which would reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974. S. 2441, the proposed "Violent Juvenile Crime Control Act of 1980," was introduced by Senator Bayh on March 19, 1980. At that time, Senator Bayh also introduced by request S. 2442, the Administration's proposal to extend the program which was submitted to Congress in accordance with the Budget Act on May 15, 1979. S. 2434, the proposed "Juvenile Justice and Delinquency Prevention Act Amendments of 1980," was introduced by Senator Dole on March 18, 1980.

I am pleased that there is unanimous agreement by the Administration and those whose proposals are being considered today, as well as by those who are involved in development of similar legislation in the House of Representatives, that the JJDP Act should be continued. The only issues we are dealing with relate to the precise form of reauthorization. To assist the Committee in its deliberations, I would like to offer some detailed comments and suggestions regarding provisions of the pending bills which are of concern.

As you know, the LEAA program was reorganized and restructured last year by the Justice System Improvement Act. A National Institute of Justice (NIJ) and Bureau of Justice Statistics (BJS) were established as separate entities under the general authority of the Attorney General on a parallel footing with LEAA. The activities of LEAA, NIJ, and BJS are coordinated by the Office of Justice Assistance, Research, and Statistics (OJARS). The grant programs of LEAA and the formula for distribution of funds have been revised.

S. 2441, S. 2442, and S. 2434 would each retain the Office of Juvenile Justice and Delinquency Prevention as part of LEAA. The approach taken by each bill, however, is different. S. 2442 would maintain the relationship between LEAA and OJJDP of current law, with the Administrator of LEAA administering the provisions of the Act through OJJDP. The Administrator of OJJDP exercises all necessary powers subject to the direction of the Administrator of LEAA.

S. 2441 would establish OJJDP under the general authority of the LEAA Administrator. The Administrator of OJJDP would be statutorily given "final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject or deny all grants, cooperative agreements and contracts from and applications for, funds." The OJJDP program would, in effect, be autonomous within LEAA.

S. 2434, on the other hand, would specifically place the OJJDP Administrator "under the policy direction and control" of the Administrator of LEAA. This is limiting language as compared to current law.

The fact that three different management structures are proposed by the three bills highlights the need for careful attention to the impact of the Justice System Improvement Act on the OJJDP program. The Justice System Improvement Act changed organizational relationships and responsibilities. None of the bills pending before the Committee address these changes to any substantial degree.

I would urge this Committee to carefully examine the various relationships as they now exist and how they might impact on the role intended for OJJDP. At a minimum, JJDP Act references to outdated terms and provisions of the Omnibus Crime Control and Safe Streets Act need to be changed. Other conforming modifications may be determined to be appropriate upon further review. We would be happy to work with the Committee staff to identify areas where revisions are necessary.

The need for conforming amendments is highlighted by some drafting difficulties with S. 2441. Section 102 of S. 2441 indicates repeal of sections 102(4) and (5) of the JJDP Act. I believe this is a typographical error and the sections intended to be repealed are 103(4) and (5) of the Act. These are definitions of "Law Enforcement Assistance Administration" and "Administrator." However, no replacement definition of "Administrator" is included. Within section 201, both the "Administrator of LEAA" and "Administrator of OJJDP" are referred to, but elsewhere in the section and other provisions of the Act, the word "Administrator" alone is used without delineation. This should be clarified.

With respect to section 201 of the JJDP Act, Mr. Chairman, you should also note that section 201(a) of S. 2441 indicates amendment of the entire section. I believe only subsections (a) through (d) are meant to be amended, since sections 201 (b) and (c) of S. 2441 would amend sections 201 (e) and (f) of current law, sections which appear to have been deleted by section 201(a) of the bill. (The same thing appears to be the case regarding section 223(a) of the Act. Section 205 of the JJDP Act is being amended, when all that actually appears to be intended to be changed is the language of section 223(a) before subsection (1).)

Currently the two Deputy Administrators of OJJDP are appointed by the Administrator of LEAA. S. 2441 would revise this to have the Deputies appointed by the Administrator of OJJDP. The OJJDP Administrator would also appoint a "Legal Advisor" to supervise and direct a new "Legal Advisory Unit." That Unit would be responsible for "legal policy development, implementation and dissemination and the coordination of such matters with all relevant departmental units." "When appropriate," the Legal Advisor is to consult with LEAA and OJARS on "legal nonpolicy matters."

The need for and exact meaning of this provision are unclear. The individuals ultimately responsible for policy development and implementation under the JJDP Act as currently in effect are the Administrators of OJJDP and LEAA. To advise them regarding the legal implications of policy options, there has been a General Counsel in LEAA. The General Counsel function may be organizationally located in OJARS when the Justice System Improvement Act is fully implemented, but the same purposes would be served. Further legal guidance can be provided by the Legal Counsel of the Department of Justice.

S. 2441 appears to either be removing policy responsibility from the Presidentially-appointed administrators of OJJDP or setting up an independent legal unit for the Office which consults with OJARS and LEAA only on "legal nonpolicy matters." This is inconsistent with OJJDP's organizational placement as a part of LEAA and gives the Office a special Legal Advisor not available to LEAA, NIJ, or BJS.

When considering matters relating to implementation of the Justice System Improvement Act, the Department of Justice rejected fragmentation of legal assistance within different components of OJARS. You should also note that the previous Administrator of OJJDP did have an Attorney-Advisor position on his staff to assist him. This was created under general agency authority, not by specific legislative mandate. For all of these reasons, section 201(d) of S. 2441 is opposed.

Section 201(f) of S. 2441 would require the Administrator of OJJDP to provide Congress with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called "Scared-Straight" program, or other similar programs, by December 31, 1980. I am not opposed to providing the requested evaluation, but suggest that the December 31, 1980 deadline is not realistic. The National Institute for Juvenile Justice and Delinquency Prevention has done an assessment of "Scared-Straight" type programs. Design and completion of a more detailed evaluation, however, could take considerably longer than the period provided.

Although part of LEAA and tied into the LEAA program, S. 2441 repeals the provision of current law permitting the plan submitted under the JJDP Act to be incorporated into the LEAA application under the Justice System Improvement Act. Because the same state criminal justice councils administer both formula grant programs, the provisions of the JJDP plan and LEAA application are similar. There is a maintenance of effort requirement under the Justice System Improvement Act and juvenile components of LEAA applications. We prefer to retain the flexibility of this provision. We would also suggest that there be a provision for a three-year JJDP plan with annual updates, consistent with the Justice System Improvement Act. This is proposed by S. 2442.

Section 205(f) of S. 2441 deletes that part of section 223(d) of the JJDP Act referencing the LEAA hearing and appeal procedures for use in cases when a state does not submit a JJDP plan or is found in noncompliance with other parts of section 223. The deleted sections provide important protections and we recommend they be retrained. S. 2441 also deletes the incorporation by reference of other LEAA administrative provisions through section 262 of the JJDP Act. All of these would be useful for implementation of the Act and consistency with practices of LEAA. They deal with such items as civil rights compliance, delegation of functions, subpoena power, employment of hearing officers, use of experts and consultants, record-keeping, and the confidentiality of information regarding individual juveniles.

S. 2441 would change "Special Emphasis Prevention and Treatment Programs" under Title II, Part B, Subpart II of the JJDP Act to "Priority Juvenile Prevention and Treatment Programs." I see no need to change the name for OJJDP discretionary grants which has been used since 1974. Individuals and organizations have gotten used to this term and a change could be confusing. The term "Special Emphasis" is appropriate because it relates to the nature of the discretionary program, which is provision of a specific focus, or special emphasis, or statutorily enumerated programs and approaches to help young people.

Section 207 of S. 2441 would substitute state juvenile justice advisory groups as the reviewing entity for Special Emphasis applications rather than state planning agencies. While the name of state planning agencies has been changed to state criminal justice councils by the Justice System Improvement Act, we feel they should still be involved in the review and comment on Special Emphasis applications along with the advisory groups. The criminal justice councils will be responsible for administering both the OJJDP and LEAA formula grants and will be in a position to provide useful comments regarding the impact of proposed Special Emphasis programs on other activities.

Particularly troublesome, Mr. Chairman, is that part of section 211(a) of S. 2441 which specifies that funds not obligated by the end of a fiscal year revert to the Secretary of HEW for the purposes of the Runaway Youth Act. This is not a wise provision. JJDP and LEAA funds have traditionally been available until expended. In some instances, for reasons difficult to anticipate or control, funds may not all be used in the year appropriated, even though a definite need exists. A new agency head may change priorities, the appropriation level may not be what was expected, the actual appropriation may not be received until after the fiscal year begins, or other governmental policies could impact on obligation rates. Enactment of this provision could mean that there may be a rush to spend funds at the end of a year without careful program planning. Dollars appropriated for the specific purposes of Title II of the JJDP Act could be lost forever. It is also unprecedented for one agency's funds to revert to other Departments if unused, in effect bypassing the normal appropriations process.

The apparent basis for this amendment is indicated in Senator Bayh's remarks on introduction of S. 2441 that within the past year, the obligation rate for OJJDP has diminished substantially "with the prospect of a significant carry-over." It is true that early in the program there was a serious problem with OJJDP fund flow, for reasons with which this Committee is thoroughly acquainted. The Committee is also aware that my predecessor did an excellent job in eliminating the backlog. Most of the reasons for that former slowness in obligating funds have either been eliminated or are problems that we have recognized and addressed, and can therefore work around. As I indicated earlier in my statement, I expect that the bulk of fiscal year 1980 funds will be obligated in fiscal year 1980. I strongly object to the loss of flexibility and possible harm to the OJJDP program which could result from reversion of funds to HEW as proposed by S. 2441.

Under current law, at least 19.15 percent of Justice System Improvement Act funds must be used for juvenile deliquency programs. This is consistent with the earlier requirement imposed on LEAA. The Justice System Improvement Act added a provision that the primary emphasis for these "maintenance of effort" funds should be on programs "for juveniles convicted of criminal offenses or adjudicated deliquent on the basis of an act which would be a criminal offense if committed by an adult." S. 2442 would keep the maintenance of effort requirement for LEAA, but would raise it to 20 percent for clarity. S. 2441 would revise the maintenance of effort provision to require that it all be used "for programs aimed to curb violent crimes committed by juveniles, namely murder, forcible rape, robbery, aggravated assault and arson involving bodily harm . . ."

Data from several studies indicate that a very small proportion of juvenile offenders account for an extremely large volume of serious and violent crime. Identification and effective treatment of this small group present both policy and programmatic difficulties. While serious and violent youth crime must be dealt with, it must be done in such a way that does not include other youths who are not in need of the same degree of attention as the most serious offenders.

I believe that the current language of the Justice System Improvement Act, requiring primary emphasis on programs for juvenile offenders, is appropriate. The language does not say that all maintenance of effort funds have to be spent for these purposes or spent exclusively for serious violent offenders. The maintenance of effort provision is highly significant to the overall scheme of the JJDP program, for it assures that juvenile justice funds supplement those under the Justice System Improvement Act. Without the requirement, there would be no guarantee that any LEAA Justice System Improvement Act funds would be spent in the juvenile area. Not only does maintenance of effort assure that LEAA funds aren't diverted to other criminal justice purposes, but it means that juvenile justice will remain a national LEAA priority. I do not feel any change as suggested is necessary.

S. 2434 takes another approach to the maintenance of effort requirement. Instead of 19.15 percent, each state would be required to maintain of the LEAA funds (presumably for juvenile deliquency programs, although not specified) "at least that percentage of the total expenditures made for criminal justice programs by state and local governments which is expended for juvenile deliquency programs by such state and local governments." In other words, the same share of LEAA funds would have to go for juvenile deliquency as a state or locality spends of its own funds for this purpose.

I oppose this approach as contrary to the purpose of the maintenance of effort provision. The requirement traces back to enactment of the JJDP Act. It was included to assure that LEAA Crime Control Act funds going for juvenile delinquency programs were not supplanted by JJDP Act funds. A specific level of effort was required which was tied to an earlier year's expenditures. Each state must keep juvenile justice programming a priority focus for LEAA funds. Under S. 2434, where juvenile justice is a local priority, it would get more funds, and where it is not a local priority, it would get fewer funds. In addition, the section only applies to states, not the entire LEAA effort. Finally, it should be pointed out that the percentage of criminal justice funds going for juvenile delinquency programming may not be an appropriate gauge of the level of effort needed.

Mr. Chairman, I have provided the Committee staff with a copy of my recent testimony before the House Education and Labor Committee regarding H.R. 6704, which would also reauthorize the JJDP Act. I call your attention to several serious concerns I have regarding that measure, including the recommended abolition of the National Institute for Juvenile Justice and Delinquency Prevention, revisions to the National Advisory Committee for Juvenile Justice and Delinquency Prevention and state juvenile justice advisory groups, possible weakening of the compliance standard and monitoring requirements regarding deinstitutionalization of status offenders, and repeal of the authority to use JJDP Act funds as match for other Federal program grants. I strongly urge that my objections be taken into consideration with respect to the reauthorization measure ultimately agreed upon by both the Senate and House of Representatives. On the other hand, S. 2442 has some important features which I hope will be incorporated into your final bill.

That concludes my presentation, Mr. Chairman. I look forward to continuing to work with the Committee.

Senator BAYH. We now have a panel, Judge Carl E. Guernsey, president, National Council of Juvenile and Family Court Judges; Mrs. Jane Freeman, National Collaboration for Youth; Mrs. Barbara D. McGarry, Coalition for Children and Youth and American Foundation for the Blind; Mrs. Lynn Lyss, chairwoman, Children and Youth Task Force, National Council of Jewish Women; and Ms. Regene Schroeder, Child Welfare League of America.

It is good to have you here. I appreciate having all of you here to testify this morning. Why don't we start in the way I introduced you.

PANEL OF: JUDGE CARL E. GUERNSEY, PRESIDENT, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES; JANE C. FREEMAN, NATIONAL COLLABORATION FOR YOUTH; BARBARA D. McGARRY, COALITION FOR CHILDREN AND YOUTH AND AMERICAN FOUNDATION FOR THE BLIND; LYNN LYSS, CHAIRWOMAN, CHILDREN AND YOUTH TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN; AND REGENE SCHROEDER, CHILD WELFARE LEAGUE OF AMERICA

Judge GUERNSEY. Thank you, Senator Bayh.

Let me express on behalf of the National Council of Juvenile and Family Court Judges our appreciation for the opportunity to testify today.

I have a prepared text of my testimony. With the leave of the Chair, I would like to submit that and go over it briefly from notes.

Senator BAYH. Fine. I appreciate that. All of you may do that. I must confess I think that perhaps the rule should be to the extent possible, "blessed are the brief," because they may be invited back to testify again. [Laughter.]

Judge GUERNSEY. Let me begin by saying first of all that the National Council of Juvenile and Family Court Judges is a membership organization of some 2,500 judges and other juvenile justice personnel. It is the oldest and largest judges' association in the country, and was the first to recognize that by the mere process of appointment to the bench or election to the bench, a man does not know all that he needs to know, or a woman, to be an effective juvenile court judge.

We instituted the concept of judicial training. We are now benefiting from judicial training through grants from the Office of Juvenile Justice.

I would like to note, Mr. Chairman, that in a recent austerity message, the President of the United States indicated that there was a need for austerity in every phase of our national budget, and for trimming in every area except in the area of national defense.

I would submit, Mr. Chairman, that there has not been an American home invaded from the outside since the year 1812, but every day thousands of American homes are being invaded by adults and juvenile law violators.

This is, I submit to you, an area of national defense which requires the attention of our Congress.

I mention to you that the National Council of Juvenile and Family Court Judges is involved in the training of judges and leading court personnel.

During the year 1979, we provided training for some 3,346 judges and other juvenile justice personnel in part through the funding of the Office of Juvenile Justice.

This training we believe we can demonstrate has had an impact on the manner in which juvenile justice is administered throughout the United States.

Further, we have received a grant from the Office of Juvenile Justice for a computerized information system, an information system which provides instant data on the individual juvenile offender, which prevents loss of cases or delay of cases within the system, which improves the management efficiency.

This system has now been installed in the State of Rhode Island, and very recently, in just 12 hours time, was transferred from the State of Rhode Island to become an operational system in Washington, D.C.

Another project which we have had funded through the Office of Juvenile Justice has been a bridge-building symposium with leaders in the field of education and in the field of community service, which hopefully will establish a coalition of education organizations, community organizations and the organized juvenile justice system for the purpose of early identification and early treament of the problems of juvenile delinquency.

All too many times, Mr. Chairman, I have been faced with this problem. I have had teachers who have taught young people in early elementary grades come to me some years later and say, "Well, I understand you had Johnny Jones in your court last week. I could have told you 5 years ago he was going to be there."

This is the time for prevention, rather than for treatment.

Further, through the Office of Juvenile Justice, our National Center for Juvenile Justice, in Pittsburgh, the research division of the National Council, has been funded to make the first statistical study of what is really going on in the area of juvenile delinquency in the United States.

It was through this grant and through the statistics collected, that Mr. Schwartz was able to testify earlier concerning what has been going on in he field of juvenile justice since the passage of the Juvenile Delinquency Prevention and Control Act of 1974.

That study indicates that delinquency was on the rise 15.2 percent, per capita, in the 5 years prior to 1975. Yet, up only 0.2 percent from 1975 to 1977.

In the years 1975 to 1977, this 3-year period, the incidence per capita of delinquency rose only 0.2 percent.

Senator BAYH. That is incredible. When was that study completed.

Judge GUERNSEY. That has just been completed, Senator. I would be happy to furnish a number of copies to you for your perusal.

Senator BAYH. Thank you. That is remarkable.

Judge GUERNSEY. The study goes on. Detention has been down 14 percent per hundred children during the years from 1975 to 1977.

You, Senator, have been very much concerned about the plight of status offenders and very rightfully so.

In 1975, there were 355,600 status offenders referred to the juvenile justice system.

In 1976, it was down to 320,500.

In 1977, it was down to 280,000.

That is a total decrease of 21 percent.

Senator BAYH. Judge, I am sorry to interrupt your testimony here. That report, is it an assessment, the numbers you used, the percentages that you used, is that of the total kinds of juvenile delenquincy and status offender activities?

Judge GUERNSEY. Yes, sir.

Senator BAYH. I would hate to say that we have accomplished these results because we decreased the number of status offenders but we have increased the numbers of felons.

Judge GUERNSEY. There is one category which has increased unfortunately and that is major crimes against property.

The other figures, however, show a remarkable decline.

Senator BAYH. Thank you.

Judge GUERNSEY. Let me add just one more figure, because I know that statistics are hard to listen to.

Status offender detention has declined during this 3-year period from 116,000 detained in 1975, to 103,000 in 1976, to 59,000 in 1977, a decline of 49.4 percent.

Senator, if I may be permitted a lighter moment, I would suggest to you that if we want to solve one of the perplexing national problems today, that maybe we ought to submit the inflation problem to the Office of Juvenile Justice. [Laughter.]

Senator BAYH. We won't be able to afford enough money in the budget to do that this year because we are cutting back. [Laughter.]

Judge GUERNSEY. Let me speak now to the restructuring of priorities in the area of the Juvenile Delinquency and Control—Prevention and Control Act.

I share the concern of many who have already spoken here that the first priority ought to be to get children out of jail.

It worries me tremendously that minor juvenile law violators by the thousands are now being detained in county jails which have been ruled by the Federal Bureau of Prisons to be too inhumane and too dirty for the housing of Federal bank robbers, and we are still keeping children in those same jails.

I submit that this is something that Congress needs to address itself to.

Still a second priority——

Senator BAYH. That is a Federal institution, right?

Judge GUERNSEY. County jails that have held Federal prisoners are precluded, many of them, from housing Federal adult prisoners, but those same jails are used for housing juveniles.

Let me submit further that there is a second priority that is badly needed and that is to address the specific problems of the violent and the habitual juvenile offender. I would suggest and this is an individual opinion and not a policy statement of the National Council of Juvenile and Family Court Judges, that once we have developed truly effective and truly humane institutions for the hard-to-deal-with juvenile offender, we might take a look at the fact that our institutional period of care today is perhaps too short to be effective.

Certainly, we need better institutions for the hard-to-handle juvenile offender. But we know that they can absorb rehabilitation only through a longer period of stay than the 5 or 6 months average stay in today's institutions. I don't suggest it until we have more humane and more effective institutions however.

There is a premise that I would like to submit as the basis for our position on the third reorganizational priority and that is that any time, any time, juvenile programs are mingled into adult programs, inevitably the juvenile programs get lost.

In the reestablishment of OJARS, it has been submitted that the Office of Juvenile Justice be a subordinate office under the Law Enforcement Assistance Administration.

Further, it has been suggested that the Institute for Juvenile Justice be absorbed into the National Institute of Justice and that the retention of statistics, juvenile statistics be absorbed within the overall statistical field.

This makes neat boxes, Mr. Chairman, but it doesn't make for the effective handling of the problems of juvenile justice which are unique unto themselves.

Mr. Chairman, I want to thank you for the privilege of making this presentation.

Senator BAYH. Judge, you say that the Office of Juvenile Justice and the programs of the Juvenile Justice Act have accomplished incredible results in these past 6 years. But it is you who dedicated your lives to helping young people and your organizations working together, who have made a significant, almost unbelievable impact on the incidence of juvenile crime.

Judge GUERNSEY. This, along with other factors, has been a major development in beginning to turn things around in the area of delinquency.

Senator Bayh. Yes. I want to look at that report. I don't want to jump to conclusions here, but as I recall some of the other evidences, ingredients of the environment in which those youngsters have been living, the economic picture has not been particularly bright as far as young people are concerned. You still had significantly high unemployment among young.

The thought that you expressed that when you have a youth program commingled with an adult program, the adult program begins to dominate and the youth program suffers is unfortunate.

Judge **Guernsey.** It overshadows it invariably.

Senator **Bayh.** And that you feel to commingle statistics and to lose the identifying statistics that identify the problem early on, that you feel, in your judgment, as a juvenile court judge, that that would be tragic.

Judge **Guernsey.** The statistical data for juveniles and the statistical data for adult criminal justice purposes are like apples and oranges.

Senator **Bayh.** To put them all together then is to say we are going to treat all individuals the same, the young first-time offender, the status offender, the three-time loser, we would treat the gathering of statistics and thus, I assume society's response, similar. You feel that would not be wise?

Judge **Guernsey.** Not just that, but the relative statistical data on juveniles relates to education, to school situations, to family matters more closely than do adults.

The applicable adult figures might relate to employment, certainly to educational background, but not to current educational status. Less to the original family.

I would suggest to you that these are two different ball games.

Senator **Bayh.** Well, thank you very much, Judge.

Mrs. Freeman, it is good to have you here as a long-time friend and leader in the Girl Scout movement. I don't know a family that has given more to serve America than the Freemans. It is good to have you here now representing the National Collaboration for Youth.

I should note that the uniform or the dress, the attire which you bring before us is that of a top officer in the Girl Scouts. I do know that is another role that you play.

TESTIMONY OF JANE C. FREEMAN

Mrs. **Freeman.** Thank you, Mr. Chairman, very much. It is a tremendous pleasure for me to be here with you today. I do represent the National Collaboration for Youth.

The National Collaboration strongly supports the reauthorization and the extension of the Juvenile Justice and Delinquency Prevention Act of 1974.

I am now president of the Girl Scouts of the U.S.A. which is a member organization of the National Collaboration for Youth. I do speak today on behalf of all 13 national voluntary youth organizations.

I won't list the names. They will be in the written testimony. I will not read the written testimony. We will submit it to you.

I would like to highlight several of the points in it, if I may.

These national youth serving agencies reach over 30 million young Americans with a professional staff of 40,000 and the services of over

6 million volunteers, including hundreds of thousands of concerned business, professional and community leaders.

Our organizations collectively serve a diverse cross section of this country. They represent valuable resources that can be tapped in cooperative ventures with Federal leadership and funding.

We have the experience in working with children and youth. We work with the people the judge has just been describing to you.

Mr. Chairman, your dedicated leadership was absolutely crucial to the success of the 4-year bipartisan effort which led to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

You realize that the prevention of delinquency must be a major goal of any overall Federal program. Your commitment to the prevention priority was crucial to the emphasis on prevention in the 1974 act, and in the 1977 amendments.

Your continued leadership for this prevention focus is no less crucial today.

This is where we would like to join with you and to help in every way that we can, because our organizations cope every day with delinquent and potentially delinquent youth. We are all too familiar with the gaps in the way our society handles the troublesome young people, the vandalism, the dropping out of school, the teenage pregnancy, the alcohol and drug abuse and the rising delinquency rates are symptoms of the critical needs and lack of opportunities of our most alienated youth.

The collaboration came together to express its concern that these troubled young people are frequently rejected by recreation, education, and social systems and are left then to the streets, to the courts, and finally to detention and correctional systems.

We committed ourselves to finding methods of preventing delinquency and of handling youthful offenders and accepted the responsibility of providing a voice at the Federal level for the experienced youth-serving organizations and their constituents, the youth themselves, who are so often ignored by all levels of Government.

The Collaboration played a significant role, we believe, in bringing together the support for the Juvenile Justice and Delinquency Prevention Act of 1974, and the 1977 extensions and now again, we are here to support the efforts for the further extension.

We believe in Federal leadership, in adequate funding, in a National Institute and in national standards and community-based prevention and diversion and treatment programs.

We believe in private voluntary agency participation and cooperation.

We recognize the importance of private and public cooperation to help youth at risk. We are committed to the effective implementation of this landmark legislation. We continue to work with the Office of Juvenile Justice.

The collaboration has had successful experience in increasing the capacity of the national youth serving organizations at the national, State and local levels to deliver the services for so-called status offenders.

LEAA funding has enabled 10 member agencies of the collaboration and 6 other major national private, non-profit organizations to undertake jointly with their respective local affiliates, actions to increase the capacity of private agencies in partnership with governmental departments, to provide community-based alternatives to status offenders in many, many States.

Out of the 115 separate program elements contained in our demonstration sites, 20 were selected as models and published for replication as the most effective ways we have found to help the status offenders.

I am attaching this pamphlet entitled "A Different Game—Program Models, National Juvenile Justice Program Collaboration."

This contains a complete explanation of the successful functioning of this program at local levels. We have numerous copies and we will be happy to supply whatever you need.

Mrs. FREEMAN. Our experiences have emphasized what can be accomplished by Federal Government leadership to create public-private cooperation to help children in trouble.

Now we want to underline the importance of section 224(c), of the Juvenile Justice and Deliquency Prevention Act which provides that 30 percent of the funds available for the special emphasis programs shall be available for private nonprofit agency grants.

We are pleased to hear that approximately 70 percent of these funds to date have gone to the private voluntary organizations. This section recognizes our capability to create a trust relationship with young people and the need to make Government funds available to use that crucial relationship to reach those hard to reach youths.

The Government funds which have gone to member organizations have been a catalyst to increase our efforts and the dedication of our own resources to the needs of youth at risk.

We have been able to obtain increased private and foundation funding for our programs for alienated youth, and due to the legislation and the work of the collaboration itself, our memberships are becoming much more aware of the deliquency problems and are mobilizing to try to serve those hard to reach youths more than we have ever been able to do before.

We have worked closely with the Offices of Juvenile Justice and Delinquency Prevention ever since the beginning, and now the National Collaboration for Youth strongly supports the central purpose behind the creation of the OJJDP which is to provide a clear and consistent national policy for juvenile justice act programs.

Also, we supply all of the juvenile justice programs administered by the LEAA. For this purpose, the OJJDP must have, we believe, an independent status.

We are so pleased to support the amendments contained in S. 2441, which give the administrator of the OJJDP final authority to award grants and allocate funds under the Juvenile Justice Act.

We are pleased also to support the creation of a legal adviser to the administrator of OJJDP.

We think that the chances for strong administration of the act are greatly enhanced by giving the OJJDP independent status and creating an independent legal adviser.

In the section-by-section analysis of S. 2441, it is stated that the amendment to section 201, delegates "All final authority to the Administrator to the Office of Juvenile Justice and Deliquency Prevention."

We wonder if the language of the amendment clearly achieves this objective. For instance, is the administrator of OJJDP then under the policy direction and control of the administrator of LEAA?

The independence of the OJJDP would be further strengthened by the funding of the Juvenile Justice Act as a separate line item in the Federal budget. We hope that this possibility will be actively pursued.

While the collaboration believes that the limited resources of the Juvenile Justice Act should continue to be focused on the currently mandated prevention and diversion programs, it doesn't mean that we don't recognize as you certainly do, the gravity of the problem of the violent and serious offender.

But as provided in your bill, the programs devoted toward these dangerous juveniles should be funded out of the "Maintenance of Effort provisions" of the Safe Streets Act, the original rationale for establishing the level of maintenance of effort seems to have faded from view somewhat but we urge that this rate be set at a flat 20 percent rather than the present 19.15 percent.

Even though we support the use of maintenance of effort funds for the violent offender, we urge you to change the title of the act from its present title of the Violent Juvenile Crime Control Act of 1980. A very small proportion of juveniles commit violent crimes, and those who do are not helped toward rehabilitation by such labeling.

With your leadership, the prevention goal of this legislation should not be called by this unnecessary title. Such labeling hurts the efforts of all of us, and is deeply resented by the young people of our country.

We urge the continued use of the Juvenile Justice Act resources for the long underserved status offenders. We are committed to the goal of deinstitutionalization of noncriminal juveniles.

We recognize the progress made in many States toward deinstitutionalization would not have occurred absent the act's requirements.

We are delighted to support the extension of the authorization for 5 years until 1985.

We think that your 5-year authorization, with the $200 million for the first 3 years, rising to $225 million annually in the last 2 years, demonstrates the additional commitment of the Congress to the importance of this program.

We all need time if we are to be effective with our prevention and assistance programs.

We also want to express our support for the 5-year extension of the program for runaway and homeless youths. This program has proven that it can provide worthwhile services for the extraordinarily vulnerable runaway population.

We approve the change in the title and amendments in the act to provide programs for homeless youths because we have long known that the real problems are youth who have no adequate homes.

Now all of our organizations do a great variety of programs, but just to give you a few samples, I of course, would like to quote some of the things which the Girl Scouts are doing. Those are the things that I know and understand the best.

As an example, in Sarasota, Fla., the Girl Scouts had a small grant from the OJJDP. We hired a woman to work especially with the younger sisters of teenage girls who were already in custody as juvenile offenders.

Younger sisters, as studies have shown, often follow in the foot steps of the older ones and get into similar trouble.

We are working with the younger ones to bring them into the Girl Scout programs so as to have a peer group of girls to have as friends, to give them support and challenges and opportunities and creative things to do so that they will not feel ostracized or marked by their older sister's problems, and that they will have opportunities to avoid falling into the same trap.

Senator BAYH. Excuse me. I think that is a very commendable kind of program. I would hope you could work with us to show what we can do to get other youth organizations perhaps to zero in on that if they are not now doing it.

In society, we respond quickly, usually, when you have a visible manifestation of a problem and so, you respond to a violent offender or someone who commits a felony. I think when you have the kind of clear signal that you have trouble, with other siblings there to respond then not necessarily to put the same mark on subsequent children that come along or younger children, but I think you have problems. You know there is something wrong when you have one child that does that.

I think in a very positive way to give special attention to other children in the same family, I think that does not bear the mark of Cain on them, it is really the breath of hope.

Mrs. FREEMAN. Thank you, sir. We certainly will. It has been a very exciting program. We will do our best to spread the good word, not only nationwide in our own organization, but with many other youth-serving organizations.

Another example was in Tucson, Ariz., where the Girl Scouts and the local youth employment agency worked together on programs to train and to employ young women who were status offenders as summer day camp leaders.

Now these day camps work with a wide variety of children and this program provided them with training, with occupations, and with new opportunities for the improvement of the self-image and the direction of the status offenders.

At the same time, it provided much needed extra leadership for crowded summer day camps, and it provided education for the Girl Scout people and others in the community about the kinds of people who are status offenders. They turned out to be just like regular kids who needed an extra break. We provided that extra break.

We think it is an excellent program and we hope we will be able to extend it further.

Again, Girl Scouts use the OJJDP money to work with other groups in educating the community as in places like New York State where where we are working with the State office of crime prevention and with the Boy Scouts and with the older American group and with the police in trying to alert the public on how to protect oneself and one's property, such as the use of identification on personal property or in accompanying senior citizens to the bank to cash social security checks, or to understand insurance or other frauds, and to help people understand those frauds, to work in patrol groups to prevent muggings and assaults.

Other Girl Scouts in places like Philadelphia have worked on projects in schools to explain to younger children the perils of shoplifting and how all consumers costs including those of the youngest consumers are up because of shoplifting and how this practice leads to many more serious problems.

Or, in Tennessee, where we had a very special rape prevention program which became so popular in the community that we were asked to bring it into the schools.

Girl Scouts have gone into the schools to explain this rape prevention program.

Since many runaways have been found to come from homes where there are alcoholic parents or alcoholic problems of the young people themselves, we are working in communities to educate people on the availability of assistance to such children and their families and to reach out to help those young people to find other sources of support, instead of feeling the necessity to run away from their homes and perhaps get into other kinds of problems.

All of these, Mr. Chairman, take time. That is why the 5-year extension is so important. This kind of program planning, training, and cooperation in carrying on simply does not happen overnight.

We believe in that old adage, as do you, I know, "An ounce of prevention is worth a pound of cure." We think it has been proven in these programs.

We are getting good starts in many communities. We are trying to reach out to many more. We think we can help to provide the alternatives to a life of continuing crime to young people who may have had some problems.

We do need the extra assistance in money, in Government cooperation, and in support to help get these programs started, to get other grants and community support to carry out our efforts.

We believe that young people, girls especially, usually are left out when public dollars are spent. Yet, in girls in even larger numbers than in boys at present, the juvenile crime rate is going up. It is increasing for the girls in many different types, and we believe in many areas more rapidly than ever before in our history. We believe that the public is ready to give full support to crime prevention programs for our young people.

We, the Girl Scouts and our other National Collaboration for Youth organizations can do so much with the small amount of money.

We can supply the volunteers and train them. We can help get the local community support. We work with the schools and the courts and the parents and the teenagers on the local, 1-to-1 basis.

We think we can help multiply the effect of the Federal dollar so much.

We appreciate, Mr. Chairman, very much, your understanding that youth are our greatest resource. We are confident that you will succeed in extending the Juvenile Justice and Delinquency Prevention Act to provide for a strong Federal role in the prevention of delinquencies.

We all remain committed to joining with you in that fight for justice for juveniles this year and next year and for many years to come.

Thank you Senator Bayh.

Senator Bayh. Thank you. My special thanks to the Girl Scouts for the early key support that you have given and are continuing to give in this effort.

Mrs. McGarry.

TESTIMONY OF BARBARA D. McGARRY

Mrs. McGarry. Good morning, Mr. Chairman.

My name is Barbara McGarry. I am wearing three hats this morning, all of which are invisible. Because of some past efforts as former executive director of the American Parents Committee in my previous incarnation, I have been asked by Congressman Tom Railsback to present his letter of particular support on certain segments of the pending legislation.

I have also consented to appear as a board member of the Coalition for Children and Youth, an umbrella organization of over 55 national organizations, representing all areas concerning children and youth, health, education, justice, youth employment, foster care, adoption, child care, teenage pregnancy and family problems.

I would like to enclose for the record, the Coalition for Children and Youth statement of budgetary support for programs which perhaps isn't precisely germane to this morning's hearings, but if I may, ask it be included in the record.

Ms. Jolly. It will be included in the record.

Mrs. McGarry. My last invisible hat is that of a specialist in Governmental relations for the American Foundation for the Blind, a professional occupation that I have held for the last 6 years, before that, another 10 years in juvenile delinquency work.

At present, my professional specialization is that of not only visually handicapped conditions in children and adults, but other conditions such as mental, emotional, financial handicaps.

My own chosen preference, of course, is the population of handicapped children.

Senator Bayh. We will put the Railsback letter in the record, if we might.

I certainly concur in the assessment of Congressman Railsback.

Ms. McGarry. Since it is such a very brief letter, and so precisely to one certain point——

Senator Bayh. If you want to read it, that is fine.

Ms. McGarry [reading]:

> Dear Senator Bayh: I am writing to you in anticipation of the Senate Judiciary Committee's hearing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.
>
> There is currently a provision in H.R. 6704, which would have the effect of abolishing the National Institute of Juvenile Justice and Delinquency Prevention about which I have strong reservations.
>
> I think it is important to note that none of the three bills, Mr. Dole's bill, Mr. Bayh's bill or the Administration bill pending before the Senate Judiciary Committee have a similar provision.
>
> As you will recall, it was as far back as 1969, that Senator Percy and I first introduced legislation to create an Institute for the Continuing Study of the Prevention of Delinquency.
>
> After a long struggle in which you played a major role, the essence of that proposal was contained in the Juvenile Justice and Delinquency Act of 1974 which passed the Senate by a vote of 88 to 1; at the House, by a vote of 329 to 20.
>
> The National Institute for Juvenile Justice was created with the realization that juveniles represent unique problems, and that, accordingly, there should be a separate, specialized entity to focus on their problems.

I believe that the Institute in its six-year history has had an impact far beyond its limited resources, while enjoying wide-spread support from numerous groups.

I hope that you will continue to support the Institute in its present form.

With every best wish, I remain sincerely,

TOM RAILSBACK,
Member of Congress.

Senator BAYH. Thank you.

Ms. MCGARRY. That reflects very precisely, I think, previous support heard this morning with the possible exception of the administration.

Further buttressing the argument for an independent institute is House Budget Committee action on LEAA last week and the pending committee action in the Senate this week, arguing for the support of a Juvenile Justice Institute that is independent of the political policies of a parent agency.

In that way it can best function. In that way it can best monitor the constitutional safeguards that have been guaranteed in the Supreme Court ruling in the landmark *Gault* case, about which I haven't heard much mention by the administration witnesses this morning. But I do hope there would be adequate monitoring of those safeguards.

Because of the pressure of time, Mr. Chairman, I will be happy to answer any questions you might have.

Senator BAYH. Thank you very much, Mrs. McGarry. I appreciate not only your presence here, but the kind of role that you and others in the coalition have played from the early stage. Without the help of folks like you have at the witness table right now, we wouldn't have been successful. We were attacking the establishment way of doing things, and hoping we could make the establishment—the understood and accepted way of doing things, the way we now have in the act.

I appreciate your being here. Of course, I concur in the facts and thrust of the thoughts contained in Congressman Railsback's letter.

Ms. MCGARRY. He appreciates that.

Senator BAYH. He has been one of our strong supporters in the House. I appreciate that.

Now let's have Ms. Lyss, if you would. I will go down the list here.

Mrs. LYSS. Thank you.

Senator BAYH. I should say one of the early supporters is the National Council of Jewish Women.

Mrs. LYSS. Thank you Senator Bayh.

Senator BAYH. They were out there very early, and of course, a strong influence in the communities. I appreciate your representing them today.

TESTIMONY OF LYNN LYSS

Mrs. LYSS. I appreciate the opportunity of appearing before you. I presently chair the Children and Youth Task Force of the National Council of Jewish Women. I am a national board member.

Since 1970, the National Council of Jewish Women has been deeply involved in juvenile justice issues. We were part of the widespread citizen efforts to secure passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

We were also active participants in the reauthorization process in 1977.

Due to this involvement our sections have initiated over 120 community service projects across the country dealing with juvenile justice.

Thus, we share with you and the Senate the desire to see the act fully implemented throughout the country.

In keeping with this desire, we commend the framers of S. 2441 for leaving the act substantially intact and especially for not making any major changes in the States' compliance provisions under section 223, or in the defiintion under section 103.

Many of our members report to us that their States have been slow and/or reluctant to carry out the principal mandates of the act.

Only now are many States beginning to make real headway in their compliance efforts. Any change or redefinition of key provisions is likely to disrupt State compliance efforts rather than support them.

We urge the Senate to maintain a strong position on this issue throughout the reauthorization process.

We also support the 5-year reauthorization of the act and the appropriations levels proposed in S. 2441.

There are a number of proposed amendments which we do have questions and comments about. We are deeply concerned about the title of S. 2441, and the program direction that S. 2442 take.

They take too—they place too much an emphasis on a tiny proportion of youth who become involved in the juvenile justice system.

Available statistics indicate that the number of violent crimes committed by juveniles has been decreasing in recent years. Only approximately 5 percent of all juvenile arrests are for violent crimes and juvenile arrests for such crimes account for less than 1 percent of all arrests.

We understand, however, the current political realities and the pressures on this body to include such an emphasis.

The Senate and you in particular, Mr. Chairman, have been both in 1974 and 1977, shown foresight and leadership in resisting these efforts and pressures and maintaining a focus in the act that emphasizes those problems and issues which affect the greatest number of youth involved in the juvenile justice system.

If, however, the new emphasis is added, and we compliment you on restricting the emphasis to concentrate on juveniles that commit violent acts.

We would urge that the additional attention to this population be given only in the areas of sentencing, providing resources necessary for informed dispositions and rehabilitation.

We are in agreement that the funds to support these areas of additional attention should come only out of the funding available under the maintenance of efforts provision of the act.

However, it should not involve all of the section 261(b) funds.

The funds drawn from this source should be obligated in a manner that is consistent with the actual incidence of such crime.

Senator BAYH. If you will excuse me for interrupting, I think because you and Mrs. Freeman mentioned this, it is important to understand that this special emphasis in this amendment in no way is intended to undercut the much more comprehensive broad range positive approach across the board.

If titling that amendment has caused folks to be concerned, I appreciate your bringing this to our attention. We do have a problem with violent offenders. It is a real problem. But, the whole thrust of the

Juvenile Justice Act was to try to deal with the problems of children in a way so that they might not become a violent, offending adolescents.

So, I think it would be wrong if we changed the thrust. I appreciate your calling this concern to our attention.

Mrs. LYSS. Thank you Senator Bayh.

Our concern is that attention not be diverted away from the initial impact.

Senator BAYH. I think that is well taken.

Mrs. LYSS. Thank you.

The proposed amendments in S. 2441, to section 201, would invest the Office of Juvenile Justice and Delinquency Prevention with more independence, but would retain it under the general authority of LEAA.

We feel that independence would be better attained if the Office were a separate administrative unit under the direct authority of the Office of Justice Assistance, Research, and Statistics.

The recent House Budget Committee's resolution dramatically underscores the need for establishing the office as a separate administrative unit with its own budget line.

The proposed amendment in S. 2441, to section 261, also raises some serious questions for us. We are aware that the Office of Juvenile Justice and Delinquency Prevention has been the object of much criticism regarding the rate at which it has been able to obligate appropriated funds.

We appreciate and agree with the desire to have the funds obligated more expeditiously. But before provisions such as this, is included in the act, we feel that more review of the problems involved is necessary.

In the past, there has been some difficulty in obligating funds during the fiscal year, due to delay in the Federal appropriations process.

Since its inception, the Office had been understaffed. It has not had the necessary administrative independence to act more quickly.

Putting the kind of pressure, proposed in this amendment, on the Office to obligate its funds quickly may be counter-productive if the basic problems are not dealt with. We recommend that this committee, through its oversight function should keep a close watch on the Office's performance in this area to ascertain what the difficulties are and to make recommendations or take appropriate action if and when necessary to alleviate any problems.

We are in complete support of the retitling of title III of its reauthorization for 5 years and of the appropriation levels proposed in S. 2441.

The addition of the word "homeless" to the title reflects what the real situation is.

According to reports from our members who are involved in programs for runaways and homeless youths, and current research, many children are pushed out of their home or are fleeing from an unhealthy and dangerous home situation which may involve the alcoholism and or drug addiction of their parents, physical abuse and neglect and sexual abuse.

Once again, I would like to express my appreciation for the opportunity to express these views. I commend you on your involvement.

Senator BAYH. Thank you very much. I appreciate the positive comments you have made. That is one of the things I think that can come from hearings. We don't just go through the motions to make a record and pass out a press release but to let some of you whose organizations have been involved in this whole effort to reform our response to juvenile delinquency and to try to prevent it in the beginning an opportunity to assess changes that need to be made and to make a contribution as we look forward to next year and the year after that and 5 years in the future.

So, thank you very much.

Ms. Schroeder, we appreciate your being here. The Child Welfare League of America, of course, has played a major role in this. We appreciate your representing them here today.

TESTIMONY OF REGENE SCHROEDER

Ms. **Schroeder.** Senator Bayh, the Child Welfare League wishes to thank the Committee on the Judiciary for inviting us to testify on the Reauthorization of the Juvenile Justice and Delinquency Prevention Act and to discuss the amendments to this important piece of legislation which are outlined in S. 2343, S. 2441, and S. 2442.

My name is Regene Schroeder. I am executive director of the Florence Crittenton Services of Arizona, Inc., a private agency providing care to the youths of Arizona, including both status offenders and juvenile delinquents, through contractual arrangements with the State.

In addition, I am a member of the Justice Planning Supervisory Board, and am serving the second year as the State chairperson of the Juvenile Justice Advisory Council.

I appear today on behalf of the Child Welfare League and its divisions, the American Parents Committee and the Office of Regional, Provincial and State Child Care Associations, serving over 1,000 child and family agencies in North America.

The Child Welfare League was active in the passage of the Juvenile Justice Act when it originally passed in 1974. We would like to thank this committee for its efforts toward reauthorization of this important piece of legislation.

The Child Welfare League Board has a position supporting the reauthorization of the Juvenile Justice Act, giving top priority to the placement of the Office of Juvenile Justice and Delinquency Prevention within the Department which will give the program needed visibility and importance.

While there is admittedly a problem with violent juvenile crime, we believe that to title the reauthorization the Violent Juvenile Crime Control Act of 1980, is to divert Congress and the States from the needs of the Juvenile Justice System at this time.

While we support the inclusion of the funding for programs for violent juvenile offenders in the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation, we do not believe that an earmark of the maintenance of effort money is necessary at this time.

We would recommend that programs for violent juvenile offenders, using the definition of S. 2441, be included in the findings, purpose, State plans, and special emphasis portions of the act.

There are areas of service to juveniles which could use continued or new emphasis. All these impact violent juvenile crime. More funding for minorities, juvenile gangs, research into the casualty of learning disability to delinquency, and more importantly, the inclusion of mental health services into the juvenile justice service delivery system.

In most States the juvenile justice system, the mental health system and the social service system exist independently of one another and certainly do not undertake joint planning in the area of service delivery.

We believe the time has come to encourage this kind of planning.

We support the inclusion of the definition of the juvenile detention or correctional facility as outlined in S. 2442.

In addition, we would recommend to the committee that the separation mandate of 223(a)(13) be changed to require the removal of juveniles from adult jails with Federal financial support and a phased-in period for compliance.

We believe the proposal issued by OJJDP on March 25 is an excellent start in this direction.

While we share the concerns of the committee for the "scared straight" type of program, we would like to point out that the voluntary sector has addressed the proliferation of such programs. We urge that a report draw upon these original studies.

We support the continuation of title III, the Runaway and Homeless Youth Act and believe the additional emphasis on homeless youth underscores the needs of the population seeking service from this program.

We do not support the carryover of unobligated funds to the Runaway and Homeless Youth Act. We believe that States should be encouraged to submit their plans and to move toward compliance and that there are a number of factors which have delayed obligation in the past. These factors will not be corrected by the threat of this carryover.

We support the authorization levels for the act as outlined in S. 2441, as well as the 5-year extension, but we urge the committee to begin to be cognizant of the threatened loss of LEAA funds and the impact which this would have on the implementation of the Juvenile Justice Act.

We would like to recommend that the Commissioner of the Administration for Children, Youth and Family, the Secretary of Education and the Administrator of the Alcohol, Drug Abuse and Mental Health Administration be added to the Federal Coordinating Council to mirror on the Federal level, the kind of joint planning effort which we recommend.

Finally, we urge the committee to reconsider the use of the term "priority juvenile" in the place of "special emphasis."

History has taught us that there is tendency to define such a term so that any list of priority juveniles relegates those to the end of the list to minimal attention.

We are optimistic about the future of youth in this country. With relatively minimal funds and in comparison to other Federal programs, the States have managed a laudable task.

We believe that 1980 should be a year for all of us to review what has been done up to this point; to be especially vigilant in the areas in which we have not made progress, and finally, to become a model for the kind of unified effort among the service delivery community which ultimately leads to support for youth and their families, regardless of which system they enter.

We can remove status offenders from secure facilities. We can carefully define the term "violent juvenile." However, neither of these actions eliminates the continued need for service and treatment for these troubled members of our society.

Federal participation can and it should encourage this effort.

Thank you very much.

Senator BAYH. Thank you very much.

You touched on the mental health portion of our service delivery and that, of course, is included in the bill that I have introduced with the amendments to permit a broader approach to servicing the problems of juveniles.

I just want to make an appeal to those of you who are here and your organizations to recognize the critical nature of the fiscal problem confronting us right now.

We have been fighting for a long, long time and it took us a long time to get that bill passed in 1974. We have the amendments in 1977.

Now, we are going to come back and I think we will strengthen it and we will learn by our experience—the committee's experience and the experience of those of you who are working with the program in the field.

When I see the House Budget Committee cut the Department of Justice function from $600 million to $100 million, that leaves only $100 million for all of the Justice function, including Juvenile Justice.

We spent $100 million last year on the Office of Juvenile Justice alone. As the judge points out, we have something that has been working and we are liable to wipe out the program by just not keeping it functioning.

So you come back here in 3 years and you say, well, Senator, the program worked pretty well. It looks pretty good on paper, but we haven't been able to send any money out there to those folks. So now instead of going from 17 to 1 percent delinquency reduction, it is going back from 1 to 17 percent.

I find this the ultimate foolishness as far as so-called fiscal responsibility is concerned. I have not had anything that is as dramatic to show results as what you point out in the report.

I might say to Mr. Schwartz who is still in the room here, I would hope that you could do everything possible to get those unobligated funds out there to the folks that can use them, not only because that is solving a problem, but I know exactly what the President told us last year when we tried to increase the program and he cut the program in half last year. The reason for that was, "Well, there is money in the pipeline."

The fact of the matter is, there was not money in the pipeline, but when you have unobligated funds there about the time the Budget Committee is looking at next year's level, and in particular, when we get into the appropriations process, if we continue to have significant amounts of unobligated funds, that is going to be even more difficult for us to get the resources we need.

So, I would just like to urge you not to in a reckless and imprudent manner to just spend because it is there, but get those contracts let, get that money out there so it can be working for us on the one hand,

and so that we are not hit on the other by those who want to find ways to cut money out of this budget. We give them an excuse for cutting out the juvenile justice program because we have unobligated funds. I just hope you will make an extra effort for that.

The frustrating fact is, you point out and our amendment points out, Ms. Schroeder, that there are other related services that have not been technically considered as part of serving young people. You and the Child Welfare League, of course, have recognized this for a long period of time.

But as we expand the kind of service delivery mechanism that is served by the Office of Juvenile Justice, it costs more money rather than less.

Yet, if we look at the impact on society the ability to cut the billions of dollars spent on crime, it seems to me society is getting a pretty good return on the investments here.

Well, thank you all. I appreciate it very much. I will look forward to working with you and hope that we can keep the close kind of cooperation we have had in the past on into the future.

Ms. SCHROEDER. Thank you.

Judge GUERNSEY. Thank you, Senator Bayh.

Mrs. FREEMAN. Thank you, Senator.

Mrs. McGARRY. Thank you.

Mrs. LYSS. Thank you Senator Bayh.

[The prepared statements of Judge Guernsey, Mrs. Freeman, the Coalition for Children and Youth submitted by Mrs. McGarry, and Mrs. Lyss follows:]

PREPARED STATEMENT OF JUDGE CARL E. GUERNSEY ON BEHALF OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

Chairman Bayh and Senators: On behalf of the National Council of Juvenile and Family Court Judges, I want to thank you for this opportunity to appear before this committee in support of the reauthorization of the Juvenile Delinquency Prevention Act of 1974. Our National Council, an organization of 2,500 grassroots leaders in the field of juvenile justice, is deeply concerned with the outcome of these hearings. Ours is the largest and oldest judicial organization in the Nation and is vitally concerned on a day-to-day basis with the problems of juvenile delinquency. The Council pioneered in the concept of specialized training for judges and is presently operating a college of juvenile justice for new judges under a grant from the Office of Juvenile Justice and Delinquency Prevention. Last year our training program provided in-service training for 3,346 judges and other juvenile court personnel. In addition, our research center, the National Center for Juvenile Justice, is collecting the first hard data ever assembled with specific reference to frequency of acts of delinquency and other facts specifically relevant to juvenile law violation so that now planners may have an accurate handle on the scope and nature of delinquency on a national basis and on a community by community basis. This program too is under a grant from OJJDP. We have developed through still another grant a model computerized information system which was piloted in the state of Rhode Island and recently transferred to the Juvenile Court of Washington, D.C. These grants and others illustrate our reliance upon and our need for federal funding in the field of juvenile justice.

In a recent austerity message President Carter spoke of the need to reduce federal spending in every area except national defense. I would suggest to you that though defense spending is urgent, no American home on this continent has ever been invaded by an alien force, but we are being attacked in growing numbers by juvenile and adult law violators who invade hundreds of American homes daily. It is to this line of defense that I address myself concerning the urgency of funding juvenile justice at a level which is at least as high as our previous expenditures. It is the position of the National Council and of our judges working at a grassroots level throughout the Nation that much has been accomplished through the Office of Juvenile Justice and Delinquency Prevention and that even more can be accomplished in the future.

We do not know and cannot say to what degree the programs sponsored by the Office of Juvenile Justice have been responsible for these developments in trends in juvenile justice. We can say that in the five years prior to 1975, rates for delinquency cases disposed of by juvenile courts increased by 15.2 percent. From 1975, the year after the Delinquency Prevention and Control Act was implemented, to 1977, delinquency cases disposed of by juvenile courts increased by only 0.2 percent. Between 1975 and 1977 the number of actual cases processed by the courts decreased by 3.6 percent from 1,406,100 in 1975 to 1,355,500 in 1977. Although this appears to represent a decline in delinquency the youth population at risk decreased by 3.8 percent, reflecting the slight rate increase of 0.2 percent during this two-year period. Detention rates declined in our courts by 6.8 percent from 1975 to 1976 and by 7.8 percent from 1976 to 1977. There was an overall rate decrease of 14 percent from 1975 to 1977.

The National Council of Juvenile and Family Court Judges does not necessarily endorse the extent to which the Office of Juvenile Justice stressed allocation of a high percentage of its funds to the de-institutionalization of status offenders, but we do note that the office was effective, in that status offense referrals declined from 355,600 cases in 1975 to 320,500 cases in 1976, to 280,000 in 1977 for a total decrease of 21.3 percent. During the same period, detention of status offenders dropped from 116,000 cases in 1975 to 103,000 in 1976, to 59,000 in 1977. From this it is apparent that when the Office of Juvenile Justice has been given a goal to attain or has set its own goal to attain, statistics indicate a striking attainment in that direction.

We would submit to you, however, that this is a time for new priorities, a time to deal on the one hand with the problems of juveniles in adult jails because there are no adequate juvenile facilities and, on the other hand, to provide new and more effective programs for the custodial care and correction of serious and violent juvenile offenders. Although the violent and habitual offender represent only a small portion of the adolescents coming through our juvenile justice system, there is a vital need for more eeffctive correctional programs to deal with such young people.

I would depart for a moment from the Council's official position to express a personal view that where we have humane and effective correctional facilities for this type offender, it might well be that present periods of custody are too short to be effective.

This then is the position of the National Council with reference to the reauthorization of the Office of Juvenile Justice. The juvenile justice system vitally needs federal funding of programs. Priorities should be given to the pre-hearing removal of juvenile offenders from adult jails and great emphasis should be placed upon more effective, humane institutions for the correction of violent and habitual juvenile offenders.

May we say just a few words about the proposed placement of the Office of Juvenile Justice within the broader framework of OJARS. In the restructuring of what had been Law Enforcement Assistance Administration into OJARS, it makes no sense to place intermediaries between juvenile justice and the top administrator at the very time when juvenile justice should be at the forefront of federal concern. This represents, in our view, little more than a demotion in terms of public priority. Further, we are of the opinion that it is vital to retain juvenile justice statistical and research services within the Office of Juvenile Justice rather than to dissect the office in the name of having a neat structural chart and placing juvenile services under other components of the overall OJARS. The fact is that all issues relating to juvenile justice have much more of a common thread than the common threads of adult statistics and juvenile statistics or adult research and juvenile research. Further, we have had all too sad an experience through many years with combined programs of adult and juvenile services wherein the juvenile component was sacrificed in the name of service to the adult programs.

It is the sincere hope of the National Council of Juvenile and Family Court Judges that the Juvenile Justice and Delinquency Prevention Act will be reauthorized, that it will be funded on a level of at least $100 million, that new

attention will be given to the pre-hearing removal of juveniles from the adult jails and to better programs for the habitual and violent offenders, and that structurally the Office of Juvenile will be kept intact and immediately responsive to the Director of OJARS. It is our sincere hope that this committee will submit legislation which will remove unnecessary impediments to the receipt and utilization of juvenile justice funds by our fifty states. Thank you for this privilege.

PREPARED STATEMENT OF JANE FREEMAN

Mr. Chairman, it is a great pleasure for me to accept your invitation to testify here today on behalf of the National Collaboration for Youth. We strongly support the reauthorization and extension of the Juvenile Justice and Delinquency Prevention Act of 1974.

My name is Jane Freeman. I am President of the Girl Scouts of the U.S.A., a member organization of the National Collaboration for Youth. I am particularly pleased to speak on behalf of the Collaboration which is composed of 13 national voluntary youth-serving organizations.

These organizations are: Big Brothers/Big Sisters of America; Boys' Clubs of America; Boy Scouts of America; Camp Fire, Inc.; 4-H Youth Programs; Future Homemakers of America, Inc.; Girls Clubs of America, Inc.; Girls Scouts of the U.S.A.; National Board of YMCAs; National Board, YWCA of the U.S.A.; the National Network, Services to Runaway Youth and Families; American Red Cross Youth Services; and United Neighborhood Centers of America, Inc. The National Collaboration for Youth is an affinity group of the National Assembly of National Voluntary Health and Social Welfare Organizations, a non-profit organization composed of 36 voluntary agencies.

These national youth-serving agencies reach over 30 million young Americans, with professional staff of 40,000 and the services of over 6 million volunteers including hundreds of thousands of concerned business, professional and community leaders. Our organizations collectively serve a diverse cross section of this nation's young people from rural and urban areas, from all income levels and from all ethnic, racial, religious, economic and social backgrounds. Our organizations represent valuable resources that can be tapped in cooperative ventures with federal leadership and funding. We have the experience in working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

Mr. Chairman, your dedicated leadership was crucial to the success of the four year bipartisan effort which led to the passage of the Juvenile Justice and Delinquency Prevention Act in 1974. You recognized from the beginning that there was a need for a new comprehensive, coordinated Federal response to the crisis of escalating juvenile delinquency. Even more significant to the lives of our young people, you realized that the prevention of delinquency must be a major goal of any overhauled Federal program. Your commitment to the prevention priority was crucial to the emphasis on prevention in the 1974 Act and the 1977 amendments. Your continued leadership for the prevention focus is no less crucial today.

The national voluntary youth serving agencies which formed the Collaboration in 1973 felt as you did—the urgent need to prevent juvenile crime rather than to react to youthful offenders. We wanted to speak out collectively on the quality of our juvenile justice system and to have a voice on this issue for the youth serving organizations that have the greatest first-hand experience in working with young Americans. Our National Executives and organization volunteer boards, and staff in local communities cope every day with delinquent and potentially delinquent youth and are all too familiar with the gaps in the way our society handles troublesome youngsters. School vandalism, dropping out of school, teen-age pregnancy, alcohol and drug abuse and rising delinquency rates are symptoms of the critical needs and lack of opportunities for our most alienated youth.

The Collaboration came together to express its concern that these troubled young people are frequently rejected by recreation, education and social systems and left to the streets, courts and finally detention and correctional systems. The national voluntary youth-serving organizations committed themselves as a first initiative to finding methods of preventing delinquency and handling youthful offenders and accepted the responsibility of providing a voice at the Federal level for experienced youth-serving organizations and their constituents, the youth themselves.

The Collaboration played a significant role in bringing together support for the Juvenile Justice and Delinquency Prevention Act of 1974 which contained the principles we felt were ~~essential: (1)~~ Federal leadership, (2) adequate funding, (3) a National Institute, (4) national standards, (5) community-based prevention, diversion and treatment programs, and (6) private voluntary agency participation.

Recognizing the importance of private/public cooperation to help youth at risk, the members of the Collaboration today continue their commitment to the effective implementation of this landmark legislation, which provides Federal leadership for a comprehensive approach to the delinquency problem through a coordinated prevention, diversion and community-based alternative program. We continue to work with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on a day-to-day basis to assure effective administration of this program.

In this connection, we would like to draw your attention to the Collaboration's successful experience in increasing the capacity of the national youth-serving organizations at the national, state and local levels, to deliver services for so-called status offenders—juveniles who have engaged in conduct which would not constitute a crime if committed by an adult. LEAA funding has enabled ten member agencies of the Collaboration and six other major national private non-profit organizations to undertake jointly, with their respective local affiliates, actions to increase the capacity of private agencies, in partnership with governmental departments, to provide community-based alternatives to status offenders in Tucson, Arizona; Oakland, California; Spokane, Washington; Spartanburg, South Carolina; and Connecticut.

This National Juvenile Justice Program Collaboration, a task force of the National Assembly of National Voluntary Health and Social Welfare Organizations, built the capacity of these voluntary agencies to include status offenders in their service populations and also established demonstration collaborations in five of the ten local communities where deinstitutionalization projects for status offenders were being funded in juvenile courts, probation departments and youth bureaus. Out of the 115 separate program elements contained at the demonstration sites, 20 were selected as models and published for replication as the most effective ways to help status offenders. I am attaching the pamphlet entitled "A Different Game—Program Models National Juvenile Justice Program Collaboration" for a complete explanation of the successful functioning of this program at the local level.

The experience of the members of the national youth-serving organizations has emphasized what can be accomplished by Federal government leadership to create public/private cooperation to help children in trouble. We want to underline the importance of Section 224(c) of the Juvenile Justice and Delinquency Prevention Act which provides that 30 percent of the funds available for Special Emphasis programs shall be available for private non-profit agency grants. We are pleased to hear that approximately 70 percent of these funds to date have gone to private voluntary organizations. This section recognizes our capacity to create a trust relationship with young people and the need to make government funds available to use that crucial relationship to reach the hard-to-reach youth. It should be explained that the government funds which have gone to member organizations have been a catalyst to increase our effort and the dedication of our own resources to the needs of youth at risk. We have been able to obtain increased private and foundation funding for our programs for alienated youth. Due to the legislation and the work of the Collaboration itself, our membership is thoroughly aware of the delinquency problem and is mobilized to try to serve the hard-to-reach youth.

The member organization of the Collaboration have worked closely with the Office of Juvenile Justice and Delinquency Prevention since its establishment under the 1974 legislation. We have followed the many difficulties of the Office including the lack of adequate appropriations, the delay in appointments of senior staff and management, the lack of staff, a needlessly complex grant application process, and a lack of commitment to delinquency prevention programs and the utilization of multi-service private voluntary agencies, particularly at the state and local levels. An additional problem for the effective implementation of the Juvenile Justice Act has been that the OJJDP has been dominated by the Law Enforcement Assistance Administration (LEAA) and its frequently inappropriate procedures and policies established for the Omnibus Crime Control and Safe Streets Act. We welcome the new leadership for the OJJDP and hope that the Office will move forward vigorously to implement the original legislative concept and provide a strong focus for Federal leadership to prevent delinquency.

The National Collaboration for Youth strongly supports the central purpose behind the creation of the OJJDP, which was to provide a consistant clear policy direction, not only for Juvenile Justice Act programs, but also for all of the juvenile justice programs administered by LEAA. For this purpose, the OJJDP must have independent status.

We are pleased to support the amendments contained in S. 2441 which give the Administrator of the OJJDP "final authority" to award grants and allocate funds under the Juvenile Justice Act. We are pleased also to support the creation of a Legal Advisor appointed by and responsible to the Administrator of the OJJDP. We think that the chances for strong administration of the Act are greatly enhanced by giving the OJJDP independent status and creating an independent Legal Advisor. In the section-by-section analysis of S. 2441, it is stated that the amendment to Section 201 delegates all "final authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP)." We wonder if the language of the amendment clearly achieves this objective. For instance, is the Administrator of OJJDP under the policy direction and control of the Administrator of LEAA?

The independence of the OJJDP would be further strengthened by funding the Juvenile Justice Act as a separate line item in the Federal budget and we hope that this possibility will be actively pursued. Nevertheless, the new status of the OJJDP increases the likelihood of it becoming the focal point of Federal leadership to all levels of government as envisaged in the original legislation.

While the Collaboration believes that the limited resources of the Juvenile Justice Act should continue to be focused on the currently mandated prevention and diversion programs, it does not mean that we do not recognize the gravity of the problem of the violent and serious offender. As provided in your bill, programs directed towards these dangerous juveniles should be funded out of the "maintenance of effort" provision of the Safe Streets Act.

LEAA's rehabilitative programs for adult criminals and their delinquency programs may well provide examples of possible treatment programs for such juveniles. Since the original rationale for establishing the level of maintenance of effort has long since faded from view, we urge that this rate be set at a flat 20% rather than the present 19.15%.

Even though we support the use of maintenance of effort funds for the violent offender, we urge you to change the title of the Act from its present title of the "Violent Juvenile Crime Control Act of 1980." A very small proportion of juveniles commit violent crimes and those that do are not helped towards rehabilitation by such labelling. Your leadership for the prevention goal of this legislation should not be clouded by this unnecessary title.

The utilization of Safe Streets Act maintenance of effort funds for the serious offender will allow continued use of Juvenile Justice Act resources for the long under-served status offenders. The Collaboration remains committed to the goal of deinstitutionalization of non-criminal juveniles. We recognize the progress made in many states towards deinstitutionalization would not have occurred absent the Act's requirement. Retention of this requirement and adequate resources, as provided in S. 2441, are essential to the continued development of supportive services needed to keep the status offender out of institutions.

We are delighted to support the extension of the authorization for the Juvenile Justice and Delinquency Prevention Act for five years until 1985. We think that your five-year authorization—$200,000,000 for the first three years, rising to $225,000,000 annually in the last two years—demonstrates the additional commitment of the Congress to the importance of this program. We are pleased at the recognition inherent in the proposed level of funding for the next five years.

We also want to express our support for the five year extension of the program for Runaway and Homeless Youth. We favor the continued placement of this program in the Department of Health and Human Services. This program has proven that it can provide worthwhile services for the extraordinarily vulnerable runaway population. We approve the change in the title and amendments to the Act to provide programs for homeless youth because we have long known that the real problem are youth who have no adequate home.

Mr. Chairman, we appreciate your understanding that youth are our greatest resource and that this places a special responsibility on you to continue your leadership in the protection of young people who are without a voice in public policy deliberations. The Collaboration would welcome the opportunity to be of service to you in working out any aspect of the proposed legislation which will help assure that juveniles are given the opportunity to achieve their fullest potential.

We are also committed to work at the neighborhood level with hard-to-reach young people—in poor neighborhoods where youth are at hazard. For many of them, delinquency prevention programs are crucial to their becoming productive adults. As you know so well, such programs, providing positive developmental experiences to vulnerable young people, are the essence of the Juvenile Justice Act.

At this time, we are confident that you will succeed in extending the Juvenile Justice and Delinquency Prevention Act to provide for a strong Federal role in the prevention of delinquency. We remain committed to joining with you in the fight for justice for juveniles this year, next year and for years to come.

APRIL 1, 1980.

MRS. BARBARA D. MCGARRY,
Coalition for Children and Youth,
Washington, D.C.

DEAR MRS. MCGARRY: The Child Welfare League of America, along with its division, the American Parents Committee, testified before the Committee on the Judiciary of the U.S. Senate on March 26, 1980. Ms. Regene Schroeder appeared on a panel with you, on behalf of the Child Welfare League and the American Parents Committee.

Since you are no longer associated with the American Parents Committee, we request that you withdraw from your statement, all references to the American Parents Committee. The positions taken before the Committee on behalf of the American Parents Committee should be those of its witness, Ms. Schroeder.

We appreciate your attention to this matter.

Sincerely,

WILLIAM L. PIERCE,
Director, Center for Governmental Affairs.

AMERICAN FOUNDATION FOR THE BLIND, INC.,
Washington, D.C., April 7, 1980.

MR. WILLIAM L. PIERCE
Director, Center for Governmental Affairs,
Child Welfare League of America, Inc.,
Washington, D.C.

DEAR BILL: I am in receipt of your letter of April 1, forwarded to me as a board member of the Coalition for Children and Youth, on whose behalf I presented oral testimony before the Senate Judiciary Committee on March 26, 1980.

Since my testimony was obviously reported to you inaccurately, I would like to correct your mistaken impression that I presented any views on behalf of the American Parents Committee, whose activities have been apparently subsumed by the Child Welfare League of America, with evidently divergent priorities.

Since my March 26 appearance was personally requested by both Senator Bayh and Congressman Railsback because of my successful efforts on behalf of original juvenile justice legislation as the former executive director of APC, I am sending each of them copies of your letter and my reply.

Sincerely,

BARBARA D. MCGARRY,
Specialist in Governmental Relations.

CHILDREN AND THE POOR TO BE VICTIMS OF POLITICAL EXPEDIENCY

The Coalition for Children and Youth is an umbrella organization of 55 national organizations representing all areas concerning children and youth—health, education, justice, youth employment, foster care, adoption, child care, teenage pregnancy, family. On March 21 the Board of Directors met to issue a statement in response to Administration and Congressional budgetary proposals. They shared the following concerns:

The constituency for whom the Coalition speaks are already society's victims. Fiscal actions keyed to an election year and international crisses will assure that they are further victimized. The proposed cutbacks will impact most severely on those citizens, children of the poor, who are least able to speak out on their own behalf. They don't vote, they have no political power, they make no campaign contributions.

The price that society will pay both in human and economic terms far exceeds any potential benefits. The minuscle effect of these proposals on inflation does not warrant the massive costs which will come about as a result of program cutbacks. Millions of children with untreated chronic health problems will become crippled adults. Thousands of children, lost in the morass of the foster care system, will suffer such deprivation that it will impede their ability to function in society as adults. Poor children already deficient in basic skills will be further penalized in our increasingly technological society. Poor youth, denied any employment training, will become fixtures in the ranks of the permanently unemployed, and the nation will lose forever people who could have been productive workers.

There will be immediate impacts as well. The budget cutbacks are planned to throw the nation into a recession. Thousands of working families are now barely making it. If the cutbacks are instituted, they will have no jobs. The need for those services now being cut back will be greater than ever. This country could well see more violence when the youth dependent on summer employment programs are cut off from salaries as well as productive activities.

The American people are being sold the budget cutbacks on the grounds of fiscal responsibility. They believe, on the basis of what they've been told, that the cutbacks will mean lower inflation rates and reduced taxes. In reality, according to the plans, inflation will rise even higher this summer. There will be no tax reductions. In fact, the cutbacks will result in tremendous strain on essential local services and on local taxes with no decrease in federal tax.

PREPARED STATEMENT OF LYNN LYSS

The National Council of Jewish Women is a non-profit voluntary organization composed of 180 Sections nationwide, with 100,000 members. Individual Sections initiate volunteer community services and function as social advocacy groups, both on their own and through Coalitions, to improve the welfare of individuals in their communities who have traditionally had difficulty representing themselves.

Since its inception 87 years ago, NCJW has been concerned with the welfare of children and youth. In 1974, the members of NCJW conducted a national survey of juvenile justice which resulted in the publication of a report, "Children Without Justice." This was followed in 1976 by a NCJW-sponsored, LEAA funded, National Symposium on Status Offenders. The symposium brought together NCJW members and other child advocates, juvenile justice and law enforcement personnel, and researchers in the field. As an outgrowth of the symposium, a "Manual for Action,"—a guide to community involvement in the juvenile justice system—was prepared and widely distributed to our Sections.

At our 1979 biennial National Convention, delegates reaffirmed the following National Resolutions:

To work for Justice for Children by: (a) Working to remove status offenders from the jurisdiction of the courts; (b) supporting the establishment of juvenile courts with justices trained to deal with juvenile offenders; (c) ensuring that the sentences of juveniles shall not exceed those meted out to adults for the same crime; and (d) supporting a system of sentencing for juveniles convicted of violent crimes which takes into account their records and the severity of their crimes.

To promote the welfare and rehabilitation of children under court jurisdiction by working for: (a) Special services for them and their families; and (b) an adequate number of community based treatment facilities as an alternative to incarceration.

Thank you for this opportunity to appear before you. I am Lynn Lyss, Chairwomen of the Children and Youth Task Force of the National Council of Jewish Women and a National Board member.

Since 1970, the National Council of Jewish Women has been deeply involved in juvenile justice issues. We were part of the widespread citizen effort to secure passage of the Juvenile Justice and Deliquency Prevention Act of 1974. We were also active participants in the reauthorization process in 1977. In the early 1970's 165 of our local Sections surveyed the juvenile justice systems in their communities—the results of which were published in, "Children Without Justice." Based on their study, these Sections have initiated over 120 community-service projects to benefit children, youth, and their families. Our members, who have learned about the system by working within it, have gone on to be appointed to State Advisory Groups, local and state commissions, or have participated in youth advocacy coalitions in over 20 states.

Thus we share with you in the Senate the desire to see the Act fully implemented throughout the country. In keeping with this desire, we commend the framers of S. 2441 for leaving the act substantially intact and especially for not making any changes in the state-compliance provisions under Section 223.

Our members report to us that many of their states have been slow and/or reluctant to carry out the principal mandates of the Act; to divert youths from, and to deinstitutionalize, their juvenile-justice systems; to provide adequate community-based services to juveniles and their families as an alternative to incarceration; and to reduce the use of secure detention and incarceration. Only now are many states beginning to make real headway in their compliance efforts. Any change or redefinition of key provisions is likely to disrupt state compliance efforts rather than support them. We urge the Senate to maintain a strong position on this issue throughout the reauthorization process.

We also support the five year reauthorization of the Act, and the proposed appropriations levels.

We are concerned, however, about the ramifications of the House Budget Committee's decision not to include any fuading for LEAA in its budget resolution. As there is no separate budget line for the Office of Juvenile Justice and Delinquency Prevention, this action imperils its existence.

There are, a number of proposed amendments which we do have questions and comments about.

We are deeply concerned about the title of S. 2441. We appreciate that it reflects a current concern of both the media and much of the general public but we feel that the title, and the program direction it indicates, places too great an emphasis on a tiny proportion of youths who became involved in the juvenile justice system. Available statistics indicate that the number of violent crimes committed by juveniles has been decreasing in recent years. Only approximately five percent of all juvenile arrests are for violent crimes, and juvenile arrests for such crimes account for less than one percent of all arrests. Therefore we feel that the facts do not bear out the weight given to the proposed new emphasis.

We understand, however, the current political realities and the pressures on this body to include such an emphasis. The Senate and you, in particular, Mr. Chairman, have, in both 1974 and 1977, shown foresight and leadership in resisting these pressures and maintaining a focus in the Act, that emphasizes those problems and issues which affect the greatest number of youth involved in the juvenile justice system.

If, however, the new emphasis is added—and we compliment you on restricting the emphasis to concentrate on juveniles who commit violent acts, such as murder, forcible rape, robbery, aggravated assault and arson involving bodily harm—we would urge that the additional attention to this population be given only in the areas of sentencing, providing resources necessary for informed disposition, and rehabilitation. Providing additional attention in these areas would at least be consistent with the spirit of the Act, which seeks to develop innovative approaches to the problems of juvenile justice.

We are in agreement that the funds to support these areas of additional attention should come only out of the funding available under Maintenance of Effort provision of the Act. However, it should not involve all of the Section 261(b) funds. The funds drawn from this source should be obligated in a manner that is consistent with the actual incidence of such crimes.

The proposed amendments to Section 201 would invest the Office of Juvenile Justice and Delinquency Prevention with more independence, but would retain it under the general authority of the Law Enforcement Assistance Administration. We agree with the proposal that the most important thing is the Office's independence, but we feel that it would be better accomplished if the Office were a separate administrative unit under the direct authority of the newly established Office of Justice Assistance, Research and Statistics. Here again, the recent House Budget Committee's Resolution dramatically underscores the need for establishing the Office as a separate Administrative unit with its own budget-line.

Under new Section 201(g) the Administrator of the Office is required to supply this committee and its House counterpart with a detailed evaluation of so-called "Scared-Straight"-type programs. While we agree that they merit closer examination, we question the inclusions of this specific and time-limited a provision, and we wonder whether the respective committees could simply not request such a report from the Administrator.

As a national voluntary organization that believes very deeply in the importance of citizen involvement in government policy development and administration, we appreciate the added responsibility and authority that the amendments to Sections 223(b), (6), and (8) would give to the State Advisory Groups. We would urge, however, that the vesting of greater responsibility with the State Advisory Groups would require that closer attention be given to such matters as: timeliness of appointments; adherence to Congressional intent with regard to the distribution of representation among community groups, and government agencies; constraints on travel budgets; demands on the time of these volunteer board members; and adequate staff support. If these new responsibilities are to be met in a satisfactory and prompt manner adequate provisions for all of these will have to be made.

It should be noted that juvenile justice planners in state planning agencies can draw on such general agency resources as research and evaluation staffs. They are important components of responsible state-level oversight, whether by planners or SAG's. If LEAA cuts imperil such resources, every attempt should be made to assure their availability to those given authority over state juvenile justice efforts.

The proposed amendment to Section 261 also raises some serious questions for us. We are aware that the Office of Juvenile Justice and Delinquency Prevention has been the object of much criticism regarding the rate in which it has been able to obligate appropriated funds. And, we appreciate and agree with the desire to have the funds obligated more expeditiously. But, before a provision such as this is included in the Act, we feel that more review of the problems involved is necessary.

[illegible] past, there has been some difficulty in obligating funds during the fiscal year due to delay in the federal appropriations process. Since its inception, the Office has been understaffed and has not had the necessary administrative independence to act more quickly. Putting the kind of pressure, proposed in this amendment, on the Office to obligate its funds quickly may be counterproductive if the basic problems are not dealt with.

We recommend that this committee, through its oversight functions, should keep a close watch on the Office's performance in this area to ascertain what the difficulties are and to make recommendations, or take appropriate action, if and when necessary to alleviate any problems.

We are in complete support of the retitling of Title III; of its reauthorization for five years; and of the proposed appropriations levels.

The addition of the word "Homeless" to the title reflects what the real situation is. According to reports from our members who are involved in programs for runaways and homeless youth, and current research, many children are "pushed out" of their homes, or are fleeing from an unhealthy and dangerous home situation, which may involve the alcoholism and drug addition of their parents, physical abuse and neglect, and sexual abuse. The plight of young women who are sexually abused is of particular concern to us. Homeless, they become further victimized by criminals as well as by inequitable and unresponsive handling by official agencies.

Once again, I would like to express my appreciation for the opportunity to express these views.

PREPARED STATEMENT OF REGENE SCHROEDER ON BEHALF OF THE CHILD WELFARE LEAGUE OF AMERICA, INC.

The Child Welfare League wishes to thank the Committee on the Judiciary for inviting us to testify on the Reauthorization of the Juvenile Justice and Delinquency Prevention Act, and to discuss the amendments to this important piece of legislation which are outlined in S. 2434, S. 2441, and S. 2442.

My name is Regene Schroeder and I am Executive Director of the Florence Crittenton Services of Arizona, Inc., providing care to the youths of Arizona, including both status offenders and juvenile delinquents. In addition, I am a member of the Justice Planning Supervisory Board, and am serving a second year as the State Chairperson of the Juvenile Justice Advisory Council. I have testified in Arizona on a number of issues pertaining to services to youths and their families, most recently before the Senate Judiciary concerning a bill which would have waived juveniles between the ages of sixteen and eighteen who have committed srious crimes, to adult court. I have had considerable experience with the issues before this Committee, and welcome this opportunity to address these issues.

I appear today on behalf of the Child Welfare League of America, Inc., and its divisions, the American Parents Committee and the Office of Regional, Provincial and State Child Care Associations. The Child Welfare League was established in 1920, and is a national voluntary organization for child welfare agencies in North America, serving children and their families. There are approximately 400 child welfare agencies like the Florence Crittenton Services of Arizona, directly affiliated with the League, including representatives from all religious groups as well as non-sectarian public and private non-profit agencies.

The League's activities are diverse. They include the North American Center on Adoption; a specialized foster care training program; a research division; the American Parents Committee which lobbies for children's interests; and the Hecht Institute for State Child Welfare Planning, which provides information, analysis, and technical assistance to child welfare agencies on Title XX and other Federal funding sources for children's services; and the Office of Regional Provincial and State Child Care Associations, which serves as a national office for over a thousand child welfare agencies, represented by 24 state child care associations, predominately serving children in group care settings.

The Child Welfare League was active in the passage of the Juvenile Justice Act in 1974. Since then, we have carefully followed the implementation of the Act, most recently participating in the House Oversight Hearings on the Juvenile Justice Act held by the Subcommittee on Human Resources. We also participated in the Office of Juvenile Justice and Delinquency Prevention's Monitoring Workshops, facilitating the relationship between the monitoring process as carried out by the State Criminal Justice Planners and the voluntary sector.

We would like to thank the Committee for its efforts towards the Reauthorization of the Juvenile Justice Act. We supported the original Act which was passed in 1974, as well as the amendments of 1977. While there is admittedly a problem with violent juvenile crime, we believe that to title the reauthorization the "Violent Juvenile Crime Control Act of 1980" is to divert Congress and the states from the needs of the juvenile justice system at this time. Such an emphasis obscures the need for attention to be given to the completion of the mandates of the Juvenile Justice Act, to the examination of services to juveniles who are incarcerated in secure detention, to the removal of juveniles from adult jails, and to the need for continued delinquency prevention services

On November 29, 1979, the Child Welfare League Board passed a motion for the reauthorization of the Juvenile Justice and Delinquency Prevention Act:

Support the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and that staff proceed with the reathorization process by giving top priority to the placement of the Office of Juvenile Justice and Delinquency Prevention within the Department which will give the program needed visibility and importance.

The League traditionally has endorsed continuation of the specific program content within more global programs approved by Congress. We have not endorsed specific administrative authority over these programs, however. The reason is that we believe both Congress and the Administration must have the flexibility to reorganize governmental structures, departments, bureaus, and offices to achieve maximum effectiveness in carrying out these programs. It should be noted, however, that our policy in respect to programs for "juvenile delinquents" has been consistent—generally we believe these to be "human services programs" rather than "criminal justice programs."

While we support the inclusion of the funding for programs for violent juvenile offenders in the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation, we do not believe that an earmark of juvenile justice funds is necessary at this time for these programs. We would recommend that programs for violent juvenile offenders, using the definition of S. 2441, "namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm," be included in Section 101 of the Act (Findings of Purpose), Section 223 (State Plans) and Section 224 (Special Emphasis Prevention and Treatment Programs).

It should be noted that the "building blocks" for juvenile violence outlined in Paul Strasburg's study of juvenile violence, "Violent Delinquents," bring to our attention a number of service and treatment areas which need to be emphasized for juveniles, be they violent or not:

1. Violent acts appear, for the most part, to be occasional occurrences within a random pattern of delinquent behavior, rather than a "specialty" of juveniles.

2. When committing a violent act, a delinquent is more likely to do so in company with at least one other juvenile than alone.

3. Boys are more delinquent than girls, but female delinquents are as likely to commit a violence act as male delinquents.

4. Older juveniles tend to be more seriously violent than younger juveniles, but there is growing evidence, including data in the Vera study, that the younger age groups (13 to 15) are catching up.

5. Minority youths (and especially black youths) tend to be both more delinquent and more violent than white youths.

6. The great majority of violent delinquents are not psychotic or otherwise seriously disturbed emotionally, although many are neurotic and characterized by poor impulse controls. . . . Rage, low self-esteem, lack of empathy, and limited frustration tolerance are typical of violent youths. Environmental factors play an important role both in developing these traits and in facilitating their expression through violence.

7. Many if not most delinquents have learning problems, but the causes of those problems and their relationship to delinquency and violence are not easy to establish. Specific learning disabilities may be an important factor, although existing research is inadequate to prove a casual connection.

8. A two-parent family seems to offer some protection against delinquent behavior, but the presence of both parents has little to do with whether a delinquent becomes violent. Other factors, probably including the quality instead of the quantity of familial relationships, seem to be more influential in this regard.

9. Within community boundaries, differences in socioeconomic status appear to be weakly correlated with juvenile violence, although children from poor communities (particularly from ghettos in large metropolitan centers) are more likely to become delinquent and violent than children living in more affluent communties. Whether a child comes from a welfare family or not appears to bear little relationship to his or her chances of becoming violent.[1]

These "building blocks" point up some of the areas which could certainly use continued or new emphasis, and therefore added funds: attention to juvenile gangs, more funding for minorities, more research into the causality of learning disability to delinquency, and most importantly, the inclusion of mental health services in the juvenile justice, arena. We would submit that many of these areas could be enhanced by a new kind of state planning. In most states, the juvenile justice system, the mental health system, and the social service system exist independently of one another—and certainly do not undertake joint planning in the area of service delivery.

The Child Welfare League would urge the Committee on the Judiciary to go beyond the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation, and to begin focusing attention on the causes of violent juvenile crime and the treatment and service needs of these juveniles. The 1978 "Report and Recommendations of the Governor's Task Force on the Mental Health of Juvenile Offenders" for the state of Pennsylvania (see page 5) points out some of the needs which Mr. Strasburg outlines in his work, and which should be examined as factors impacting the prevention of juvenile violence and serious crime.

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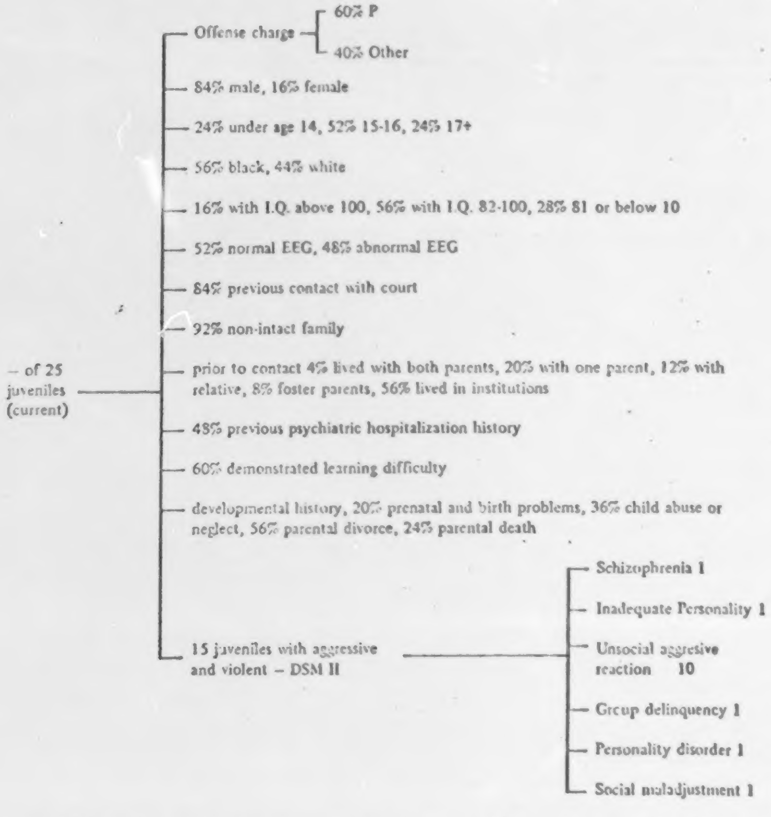
[1] Paul Strasburg, Violent Delinquents, A Report to the Ford Foundation From the Vera Institute (New York: Monarch, 1978), pp. 78–79.

In addition, we would suggest that there are certain other factors which bear attention: television and media violence; diet, hyperactivity and "violence"; AFDC and family income policy; assessment and diagnosis; and preventive work with families.

C. ANOTHER MICROSCOPIC VIEW OF THE JUVENILE POPULATION UNIVERSE OF CONCERN TO THE TASK FORCE

Based on the comprehensive neuropsychiatric assessment of 25 juveniles, referred by the Allegheny County Juvenile Court, who were in residence at the Shuman Center Detention Program, the below profile of the following emerges.


– of 25 juveniles (current)
Offense charge
60% P
40% Other
84% male, 16% female
24% under age 14, 52% 15-16, 24% 17+
56% black, 44% white
16% with I.Q. above 100, 56% with I.Q. 82-100, 28% 81 or below 10
52% normal EEG, 48% abnormal EEG
84% previous contact with court
92% non-intact family
prior to contact 4% lived with both parents, 20% with one parent, 12% with relative, 8% foster parents, 56% lived in institutions
48% previous psychiatric hospitalization history
60% demonstrated learning difficulty
developmental history, 20% prenatal and birth problems, 36% child abuse or neglect, 56% parental divorce, 24% parental death
15 juveniles with aggressive and violent – DSM II
Schizophrenia 1
Inadequate Personality 1
Unsocial aggresive reaction 10
Group delinquency 1
Personality disorder 1
Social maladjustment 1

"Report and Recommendations of the Governor's Task Force on the Mental Health of Juvenile Offenders," December 1978.

On March 20, 1979, the Child Welfare League of America testified before the House Subcommittee on Human Resources during its Oversight Hearings on the Juvenile Justice and Delinquency Prevention Act. The subject of that testimony was the definition of a secure detention and correctional facility in the "Formula Grant Provisions of the Juvenile Justice and Delinquency Prevention Act, of 1974, as Amended: Final Guideline Revision for Implementation." At that time

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we urged the adoption of a definition which is now incorporated into the most recently issued Guidelines:

52n(2)(a) For the purpose of monitoring, a juvenile detention or correctional facility is: (i) Any secure public or private facility used for the lawful custody of accused or adjudiated juvenile offenders or non-offenders; or (ii) Any secure public or private facility which is also used for the lawful custody of accused or convicted criminal offenders.

We support the inclusion of this definition within Section 103(12) of the Juvenile Justice Act as contained in the Administration's bill.

In addition, we would recommend to the Committee that the separation mandate of 223(a)(13) be changed to require the removal of juveniles from adult jails. There has been a reaction to serious delinquents within the states which has resulted in the "Scared Straight" type of program which Senate bill S. 2441 addresses. Jails are now being used not only for the detention of juveniles, but to "teach them a lesson" for an undetermined period of time. Maryland bill H.D. 1263, which went into effect on July 1, 1979, permits the incarceration of juveniles in adult jails who have been adjudicated and found guilty of serious crime. Although this bill has a sunset provision, and is experimental in nature since it applies only to Prince George's County, it is important to note that one of the only deterrents for this practice is the fact that the bill is automatically voided in the event that it jeopardizes federal funding of juvenile justice and delinquency prevention programs.

While the Child Welfare League shares the concerns of the Committee with the "Scared Straight" type of program which was originally instituted at Rahway Prison in New Jersey, we would like to point out that the voluntary sector has addressed the proliferation of such programs, including the activities carried out by the National Center on Institutions and Alternatives. Therefore, we would urge that a report on such programs draw upon studies which have already been funded, before expending further funds from the Office of Juvenile Justice and Delinquency Prevention.

The Child Welfare League supports the continuation of Title III, the Runaway and Homeless Youth Act, and believes that the additional emphasis on homeless youth within this program underscores the needs of the population of youths which are seeking services from the programs created by the Runaway Youth Act. We also commend Senator Bayh for the inclusion of an amendment to link runaway and homeless youth with their families and service providers through the use of a National hot-line telephone network. The D.C. Hotline, for example, served 14,630 people during 1978 and 1979. A number of these calls were from runaways. Such state hotline efforts could and should be coordinated with the proposed national hotline.

We realize, as the Committee does, that there are some states which are not in compliance with the Juvenile Justice mandates under Section 223(a)(12) and (13). For Fiscal Year 1980, Formula Grant monies are being withheld from some states. Some are in non-compliance, and are making efforts to move towards compliance. Some of the states need to make revisions in their plans as required under Section 223 of the Act. We believe that the states need to be encouraged to submit their plans in a timely fashion and to reach compliance with the mandates of the Act. However, we do not believe that the carry-over of unobligated funds to the Runaway and Homeless Youth Act will serve to accomplish the aims of the Juvenile Justice Act. There are a number of initiatives developed within OJJDP which could and have in the past, benefitted from the carry-over of the formula grant funds to the discretionary funds which are dispensed under the special emphasis initiatives. The initiatives which have been and are being developed for 1980, Capacity Building, Youth Advocacy, Rural Separation, and Alternative Education, could benefit from increased funding levels. In addition, as we will outline for the committee, there are other problems experienced by the status offender and the juvenile offender which are not now included in the Juvenile Justice Act, and which could be addressed with discretionary funds. It should not be forgotten that in these times of limited fiscal resources, juvenile justice funds can be used to draw down other federal funds, thereby extending the availability of appropriate levels of funding for programs. Further, there are a number of variables, including staffing patterns within OJJDP, and the timeliness of state plans which ultimately affect the obligation of funds. The carry-over provision to Title III will not correct some of these problems which has plagued the funding cycle in the past.

The Child Welfare League of America supports the authorization level for the Juvenile Justice Act as set forth in S. 2441, as well as the five year extension of the Act. However, in light of the recent budget cuts in the House of Representatives' third concurrent budget resolution, which cut the parent organization of OJJDP—the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research and Statistics—and therefore the juvenile justice program, we urge the Committee to reserve deliberation on this authorization level. In the event that the Law Enforcement Assistance Administration is cut, we would recommend that the maintenance-of-effort monies be included in the OJJDP appropriation, possibly necessitating the need for a higher authorization level. Further, we would urge the Committee to join with us in ensuring the continuation of the juvenile justice program which this Act created.

Because of these budget developments, the proposal outlined by Senator Dole in S. 2343, is difficult to assess realistically, although we are aware that in the past years, the juvenile crime rate has exceeded 19.15%, the rate at the time of passage of the Juvenile Justice and Delinquency Prevention Act. In fact, in 1978, according to the Uniform Crime Report of the FBI, it was 23.3 percent using all 30 categories.

We would like to commend the Administration on the inclusion of alcohol as a substance abuse in Section 101(a)(4). There are too few programs for teenage alcoholics, and too little understanding of the kinds of treatment which are necessary. Early studies, however, show that the teenage alcoholic can not be treated exactly like adult alcoholics, and that they do benefit from a peer group treatment model.

We would also like to recommend that the Federal Coordinating Council should mirror the kind of broad planning which we discussed in regards to the three track system which now exists—juvenile justice, mental health, and social services. Therefore, the Commissioner o fthe Administration for Children, Youth and Families in the Department of Health and Human Services, as well as the Administrator of the Alcohol, Drug Abuse and Mental Health Administration should be included on the Coordinating Council.

Finally, we would urge the Committee to reconsider the use of the term "Priority Juvenile" in the place of "Special Emphasis." Our experience with other pieces of legislation, especially the proposed Mental Health Systems Act has shown us that there is a tendency to define such a term in a way that any list of "priority juveniles" tends by its consecutive order, to relegate those on the end of the list to minimal attention. History has shown us that children are always on the end of such lists, and the Juvenile Justice and Delinquency Prevention Act—one of the first and only pieces of legislation for children and their families—should not replicate this practice.

We would like to thank the Committee for its work on these bills, and stand ready to assist the Committee in its deliberations, as well as the implementation of this Act. We are optimistic about the future of youths in this country. With relatively minimal funds in comparison to other federal programs, the states have managed a laudable task—the removal of status offenders from detention facilities and the separation of juveniles from adults. The federal mandate and financial participation has encouraged and enhanced this effort. We have learned from this effort. We believe that 1980 should be a year for all of us to review what has been done up to this point, to be especially vigilant in the areas in which we have not made progress, and finally, to become a model for the kind of unified effort among the service delivery community which ultimately leads to support for youths and their families, regardless of which system they enter. We can remove the term "status offender" from our statutes, and from our secure facilities. We can carefully define "violent delinquents." However, neither of these actions eliminates the continued need for services and treatment for these troubled members of our society.

Senator BAYH. We now have a panel of Thomas Cooke, of the U.S. Conference of Mayors, Mr. Thomas L. Werth, National League of Cities and Carolyn Lathrop of the National Association of Counties.

We appreciate all you being here with us.

Mr. Cooke, why don't you begin here please.

PANEL OF: THOMAS H. COOKE, JR., U.S. CONFERENCE OF MAYORS; THOMAS L. WERTH, NATIONAL LEAGUE OF CITIES; AND JUDGE CAROLYN LATHROP, NATIONAL ASSOCIATION OF COUNTIES

Mr. Cooke. Thank you Mr. Chairman.

I greatly appreciate the opportunity to appear before you today to lend my support and the support of the U.S. Conference of Mayors for the extension of the Juvenile Justice and Delinquency Prevention Act through 1985.

I know you are aware that juvenile violence is a complex issue which impacts on all aspects of urban life. Low income, poor housing, under education and unemployment are all contributing factors to youth crime in the United States.

The present threat of severe budgetary cutbacks at the Federal level which impacts at the local level will only serve to exacerbate the circumstances which are directing some of the youth of our Nation to crime.

It is more important now than at any other time in recent history that our Nation's cities receive support and assistance to combat and precent crimes of violence by youthful offenders.

The reauthorization of the Juvenile Justice and Delinquency Prevention Act is a necessity not only for the increased safety of our Nation's citizens, but also for the youthful offender who with guidance in times of trouble could be steered to a future life of productivity.

Youth crime in our Nation's cities is reaching epidemic proportions. In 1978, youths under the age of 18 were arrested for 52 percent of the arson incidents; 43 percent of the larceny thefts; 53 percent of the burglaries; 52 percent of the motor vehicle thefts; 17 percent of the rapes and 10 percent of the murders which were committed in American cities.

These statistics, while shocking themselves, are frightening when one considers that it is our Nation's youth who hold the future of our country in their hands.

It is a sad fact that today urban criminals are mostly young, mostly male, mostly poor, and come mostly from economically impacted sections of our Nation's cities.

It is a sad commentary of lost futures and hopes—of lives that are ruined because society could not or would not respond to the needs of the youth. Since the present state of our economy dictates that cities must make do with less, the deeply rooted societal and economic factors which contribute to the formation of the youthful criminal will not be eradicated in the near future.

Cities which currently present enormous opportunities for crime will, under the weight of severe budget cutbacks, continue to be a breeding ground for younger and more experienced merchants of crime.

Although the solutions to urban youth crime are complex I believe most experts now agree that institutional confinement is not the answer. Our prisons today are schools for crime. Sentencing youths to serve in these institutions will only complete the criminal education which was begun in the street.

We, as elected officials, must create a climate where innovative approaches can be utilized to address the juveniel crime problem.

In our society today, over $16 billion a year is spent on juvenile justice efforts. It must be pointed out in dramatic terms that the billions of dollars now spent on juvenile justice are spent after the fact. We must reorient the system to expend funds on prevention of juvenile crimes and will in the long run save both money and lives in the process.

My recommendations, Mr. Chairman, at this time I would like to support the concepts contained in the Violent Juvenile Crime Control Act of 1980. In supporting this legislation, I would like to make two recommendations to the committee.

The Justice Systems Improvement Act of 1979 established a mechanism whereby the Office of Justice Assistance Research and Statistics would coordinate three independent departments reporting to the Attorney General.

The Office of Juvenile Justice and Delinquency Prevention remains within the Law Enforcement Assistance Administration under the act.

We agree with the provision which delegates all final authority for juvenile justice programs to the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

However, we feel that the office is so essential it deserves to be an independent office co-equal with the National Institute of Justice, the Bureau of Justice statistics and the Law Enforcement Assistance Administration.

By taking this action, juvenile justice would be viewed as a top Federal priority.

In addition, programs under OJJDP could be evaluated independently and the Office could be held accountable for these programs.

Second, we agree that more attention must be given to violent offenders. However, we feel that earmarking the 19.15 percent maintenance effort funds to violent crime committed by juveniles in the categories of murder, forcible rape, robbery, aggravated assaults, and arson involving bodily harm would prohibit those communities whose major juvenile problems are not among those categories from utilizing this money in other juvenile justice areas.

I must stress that we agree with the concept that violent crime is on the rise and must be controlled. However, we hope that this legislation will allow local governments the flexibility to determine the priorities in their communities and to allocate funds to address these needs.

An area not contained in the proposed legislation but an essential element of the escalating rate of violent crime in the United States is the issue of handgun violence and youth.

The problem--handgun abuse and youth.

During the past 4 years, the U.S. Conference of Mayors staff has become increasingly aware of the escalating incidents of juvenile handgun violence. Although only preliminary statistics have been gathered on this problem the initial evidence uncovered on this subject is alarming.

The tragic fact about firearm deaths is that many victims are young. The Federal Bureau of Investigation's Uniform Crime Report for

1977 shows that of all murder victims between the ages of 10 and 19, 61 percent were killed with firearms.

While murder has been described as a young man's crime and suicide rates have traditionally increased as a person got older, these trends seem to be reversing.

Rates of firearm suicide among the young are at an all-time high and increasing. The rate for 10-to-19-year-olds rose by 22.7 percent between 1976 and 1977, and by an incredible 56 percent since 1968.

Suicide is presently the third major cause of death among the young, with firearms used in 6 out of every 10 youth suicides.

Some will say, of course, that if someone wants to commit suicide, he or she will succeed with or without a gun.

However, when the attempt is made with a handgun or firearm, it becomes five times more lethal.

When viewed with homicide and suicide, firearms account for a comparatively small amount of accidental deaths each year.

However, in 1977, children and young people under the age of 20 accounted for 39 percent of all firearm fatalities due to accidents. The percentage of accidental deaths in the 10-to-20-age-group was 8 percent more than the 20-to-30-age-group and 2 to 4 times greater than older groups.

A Detroit study concluded that children are for the most part the innocent victims of availability. The study found that victims, shooters, and parents were most often unfamiliar with guns and that it was likely that the owner was a parent, who kept the gun loaded and accessible for self-protection.

When the circumstances were known, most children were injured while playing with guns acquired for the purpose of self-protection.

The U.S. Conference of Mayors supports controls on the sale and possession of handguns, and I believe that any strategy directed toward violent crime especially among youth must have a handgun control component.

Knowing of your earlier interest in handgun legislation, Mr. Chairman, this is why this was made a part of this report.

In conclusion, Mr. Chairman and members of your committee, I would like to offer my support and the support of the U.S. Conference of Mayors to your efforts in establishing programs to address juvenile justice issues.

The conference supported the 1974 reauthorization of the Juvenile Justice Act and we are pleased to do so again. It is my hope that we can all work together over the coming years to improve the plight of our Nation's youth and create an environment where all Americans, young and old, can reach their full potential in life.

Thank you very much, Mr. Chairman.

Senator BAYH. Thank you very much, Mr. Cooke. We appreciate the Conference of Mayors perceptive analysis of where we are headed and look forward to working with them.

Mr. Werth?

Mr. WERTH. Thank you, Mr. Chairman.

I would like to start with a couple of corrections. On page 2 of my statement, due to the fact that some of this statement was done by telephone and through tape recording. There have been some inaccuracies. I will change some statements during the course of my presentation this morning.

Mr. Chairman, I am Thomas Werth.

Senator BAYH. Feel free to change or leave out any that you want. We will see that the reporter will put it all in the record at the conclusion of your oral testimony.

Mr. WERTH. Yes.

Senator BAYH. I would appreciate your summarization be kept to 10 minutes since we have four more witnesses today.

Mr. WERTH. It will be very short.

Senator BAYH. Unfortunately, I will have to leave in about one-half hour.

TESTIMONY OF THOMAS L. WERTH

Mr. WERTH. Thank you.

I am mayor of Rochester, Mich., and referee of the Juvenile Court in Mount Clemens, Mich.

I speak to you today as a representative of the National League of Cities and as a concerned professional in the field of juvenile justice and delinquency prevention.

As you know, the National League of Cities has long supported the Juvenile Justice and Delinquency Prevention Act.

In November 1979, delegates to the League's annual Congress of Cities adopted policy to assure continuing support of juvenile justice programs at all levels of government.

This policy included a statement in favor of greater emphasis on programs aimed at serious and violent offenders. We recognize that these offenders are a very small percentage of the youthful population.

However small a group of offenders they may be, it is a problem of particular concern to the urban areas of our country. Violent youth are usually city youth. Frequently they are deprived, emotionally and physically, of the support and structure of a strong family unit.

We especially applaud the language in your bill, Mr. Chairman, that adds congressional declaration of purpose to the problem of violent juvenile offenders with emphasis on rehabilitation as well as on adjudication and sentencing.

As a juvenile justice professional and as a representative of the National League of Cities, I am grateful for your support and attention to the needs of local governmental units.

We support efforts to remove juvenile offenders from large institutions. Community based facilities, alternative programs and a wide range of social services for the offender and the family of the offender offer far more promise than the impersonal warehousing approach of institutionalization.

By no means, Mr. Chairman, would I say that there is no need for secure detention facilities. Unhappily, there sometimes is such a need. However, the emphasis should be on alternative rehabilitation where possible. As a juvenile court referee, I can personally attest to the many benefits derived from alternative programs for juvenile offenders.

Since 1974, the Macomb Juvenile Court in Mt. Clemens, Mich., has instituted two alternative programs with the assistance of Federal juvenile justice and delinquency prevention funds.

The success of these programs has convinced local officials to fund the continual operation of these programs and provide out-of-court services to families in need of assistance.

The impact of our alternative to secure detention programs can be seen in the fact that there was a 66-percent decrease in the number of petitions filed for status offenders, with the court, that is, home and school truancy and encorrigibility, and an 81-percent decrease in the number of youngsters placed in a secure detention facility for the final quarter of 1979 as compared to the final quarter of 1975.

In addition to the status offender program the Macomb County Juvenile Court has an adjudication diversion program which has helped divert hundreds of youngsters out of the juvenile justice system.

These offenders are youngsters who are involved in minor drug law violations, simple larceny, minor property crime and other misdemeanant violations.

One of the major benefits of diversionary programs is that they make available both additional professional staff and detention beds to deal with the violent and serious offenders—those youngsters who are the most serious threat to public safety and welfare.

We urge you, Mr. Chairman, to continue your support of delinquency prevention efforts. As you have often said, "the best method of controlling violent crime is to prevent it in the first place."

Admittedly delinquency prevention is a complicated concept. How do we know a program prevents a juvenile from running afoul of the law and the accepted standards of our society?

What tools measure a successful structure to help youth?

Perhaps the beginning of an answer is to think of the very basic needs of children. The experiences of our young people in a Nation of plenty should be positive ones.

Stong families with adequate incomes and a secure future usually produce emotionally healthy, secure individuals.

With very rare exceptions these young people go on to jobs and a family of their own with no brushes with the juvenile justice system.

Sadly, every family in this Nation is not strong and too many incomes and futures are severely limited. Too many young people, especially in cities, and especially minorities in cities, are deprived of the basc tools that could change their futures and their children's futures.

Inflation has cut into already inadequate funds for education and job training. We have known for a long time that the poorly educated, often learning disabled, and those who become dropouts are in real danger of turning to delinquent behavior.

A shrinking city job market doesn't have much room for a poorly educated, unskilled teenager.

As local elected officials, we experience a terrible frustration when we cannot provide the services so desperately needed by the most deprived percentage of our children.

We urge you to continue to support local efforts to develop the capacity for providing delinquency prevention programs that provide the services and training that will help young people to become strong, contributing members of society.

We would further ask that you consider a means to increase local input into State policy level decisions. One suggestion would be to insert in your bill a statement that would add local elected officials as a category to be included in the makeup of State advisory groups.

These are the groups that report on juvenile programs to the Governor and State legislature.

It is important to us in the National League of Cities to insure that local priorities are considered in the development of juvenile policy on the State level.

We also strongly support coordination of youth programs at all levels of Government—Federal, State, and local. We recognize that we seem to be entering a period of lean budgeting. This makes it even more imperative to develop systems of coordination between Federal agencies and between service deliverers. The dollars we have will go further when we reduce duplication of effort and when we refine our system of identifying what and where services exist and who can best deliver them.

Finally, Mr. Chairman, we thank you for this opportunity to share our ideas on juvenile justice problems in cities. We applaud your efforts over the years to develop a strong national juvenile justice and delinquency prevention program and we pledge to continue our support of positive programs for American young people.

Senator BAYH. Thank you very much.

Having the support of the National League of Cities for this legislation is very important.

Judge Lathrop, we are glad to have you here with us.

TESTIMONY OF JUDGE CAROLYN LATHROP

Judge LATHROP. Mr. Chairman, I am Carolyn Lathrop, Associate Judge of Boone County, Mo. For the past 2 years, I have been chairwoman for Juvenile Justice of the National Association of Counties, Criminal Justice and Public Safety Steering Committee. I appear here today to present the steering committee's views on S. 2441, S. 2442 and S. 2434.

The Congress and the Office of Juvenile Justice and Delinquency Prevention in the face of much adversity, have made great strides in the past 6 years with the Juvenile Justice and Delinquency Prevention Act of 1974.

Thirty-four of the thirty-seven States which have had to meet the requirement of 75-percent deinstitutionalization of status offenders this year have done so.

Over 30 States have revised their juvenile codes to reflect the act's philosophy of nonpunitive efforts to assist troubled youth and to provide community-based programs and services for youth.

The Office of Juvenile Justice and Delinquency Prevention, after a difficult beginning, now appears prepared to assume the leadership role you intended for it in 1974. NACO believes that the leadership Ira Schwartz brings to the office will be responsible for future gains.

However, all the reforms envisioned in the act have not yet been realized.

Moreover, we are discussing the reauthorization of the Juvenile Justice and Delinquency Prevention Act at a time when there are attempts to "scare kids straight," to lock up more young people who commit both serious and minor crimes, and when there is a declining emphasis placed on the value of young people in our society.

The difference between perception and reality about serious juvenile crime has produced a reaction out of proportion to the problem posed by serious and violent youth crime.

At the same time, one part of the act is being largely overlooked. That is, its focus on prevention efforts. I recognize that prevention is difficult. It is, by definition, attempting to cause something not to happen. But we can prevent most delinquency if we try. Prevention must be the central focus of our efforts, and one of the highest priorities of OJJDP.

All of our discussion here today, all of our noble sentiments will amount to nothing, however, if we do not fund the Justice System Improvement Act of 1979 and the Juvenile Justice and Delinquency Prevention Act.

The proposal of the House Budget Committee last week, combined with reports that the administration is willing to eliminate LEAA formula, discretionary and national priority grants, leads us to believe, and, I suspect, much of the country to believe, that Congress is not serious about improvements to our criminal justice system and, more importantly, for this discussion, that Congress is not serious about the deinstitutionalization and separation mandates of the Juvenile Justice Act.

About 40 percent of the personnel affected by the elimination of LEAA and OJJDP are youth workers. The immediate impacts would be to end prevention programs and to remove children out of community-based facilities, onto the streets and into jails. This, of course, would be a giant step backward in our efforts to treat young people in a humane manner.

Even if only LEAA is eliminated, there would be about $74 million less in maintenance of effort funds available for these programs.

Second, the Juvenile Justice Act formula grant program is administered by the State criminal justice councils—formerly State planning agencies—most of which could not function without LEAA funds, while States may use up to 7.5 percent of their juvenile justice specialists depend upon the State criminal justice council apparatus to assist them in their work, and, third, OJJDP's administrative budget is not a part of its appropriation, rather, it comes from the administrative budget of LEAA. If LEAA receives no money, there would be no funds to administer the Office of Juvenile Justice and Deliquency Prevention.

NACO is also concerned about these reported cuts for reasons not directly related to the juvenile justice program.

During the past 10 years LEAA has been a state run program. After years of arguing our position, public interest groups representing localities, and NACO in particular, have finally succeeded in persuading the administration and Congress to alter the LEAA program to give larger local government in combination of counties and cities, a status almost equal to States.

It is disheartening to see such hard work and accomplishments threatened by the budget process. To assure that OJJDP can most effectively carry out its mandates under the Juvenile Justice Act and

Juvenile System Improvement Act, the National Association of Counties recommends that the Office of Juvenile Justice and Delinquency Prevention be established as an independent agency under the authority of the Attorney General.

I would urge the Senate to examine these provisions of H.R. 6704. Congressman Andrews proposal for reauthorization which makes OJJDP a fourth agency under the Office of Justice Assistance, Research and Statistics.

NACO believes that only through co-equal status with the LEAA, the National Institute of Justice and the Bureau of Justice Statistics can OJJDP fully assume the leadership role that Congress has intended for the past 6 years.

As a separate agency OJJDP would have more authority to assume the role as the lead Federal agency in promoting effective and consistent Federal youth service activities and policies among the departments and agencies which have youth related programs.

As I indicated in the opening of our statement, NACO thinks the problems of serious juvenile crime is often overstated, but in many counties and cities the problem is all too real.

We feel it is appropriate to use the resources appropriated under section 1002 of the Justice System Improvement Act to focus on serious juvenile crime.

We also think the provisions in S. 2441 which define violent juvenile crime by narrowing the scope of such crime to violent acts which result in bodily harm to or death of people is a realistic approach and a wise use of scarce Federal resources.

NACO is concerned, however, that targeting all of the funds available under section 1002 will present many States and local governments which do not have extensive violent crime problems from using these funds for other improvements in the juvenile justice system.

Violent juvenile crime as a phenomenon is particularly an urban, county and city problem. Rural and many suburban areas do not have nearly the problems with violent crime and gang activity as do our major urban areas.

As an example, Boone County has approximately 90,000 people. We have a budget of approximately $3 million and we utilize one-half million dollars in our juvenile justice system. We have only had two violent offenders in 2 years. These two violent offenders committed the same act together.

To require jurisdictions outside of urban areas to use all maintenance of effort funds for serious and violent juvenile crime could lead to the using of resources toward a small, if nonexistent population.

As the members of the committee are well aware, NAOC has long favored amendments to that which would create incentives for States to develop and implement financial incentive programs for units of local government to meet the goals of the act.

A program of State subsidies, we believe, as a part of the Juvenile Justice Act would assist States and their local governments both financially, programmatically and taking concrete steps to reduce institutional commitments and to develop alternative programs.

This program has also been supported by the administration in its testimony.

The current act recognizes subsidies as an advance practice in section 223(a)(1)(H). Congressman Anders' bill adds the use of subsidies for special emphasis prevention and treatment programs and authorizes the use of reverted funds to implement the subsidy program.

We have commended him for this approach and basically we support it, if it is not possible to create a new title for subsidy programs which we would prefer.

I have had the opportunity to participate as an advisory committee member for the Academy for Contemporary Problem Studies which has looked at, among other issues, the extent to which juvenile justice and delinquency prevention subsidies are effective today.

Before the academy undertook its research effort, NAOC believed that such subsidies were limited in number and in scope.

However, the academy's thorough research indicated a different situation. According to data which has not been published in final form, as of 1978, there were 57 juvenile justice subsidies in 30 States.

Those subsidy programs had appropriations of about $166 million.

Incidentally, these programs do not cover new subsidy programs in Wisconsin, Virginia, and Oregon.

Half of the subsidy programs have come into existence since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

Some important findings of the academy study are:

Most juvenile justice subsidies initiated during the last 15 years, and still in existence, have been directed toward community services development and alternative, noninstitutional placements.

The development of the State subsidies coincides closely with the initiation of Federal grant-in-aid programs.

A growing number of subsidies are requiring that comprehensive community plans and local advisory councils be developed.

A large number of diverse, community-based services for local juvenile delinquency prevention and control have come into existence with support from State subsidies.

Most services funded through subsidies are directed toward prevention and rehabilitative efforts.

Virtually all State subsidies are authorized through statutes.

Mr. Chairman, last week before the Subcommittee on Human Resources, Deputy Attorney General Charles Renfrew made one of the most important and, we believe, most enlightened proposals to emerge from the administration.

He proposed the current requirement of separation of juveniles from adults in adult correctional and detention facilities be amended to require the removal of juveniles from adult jails.

He proposed a 5-year time frame to accomplish the removal of juveniles.

Unfortunately, what the administration has not carefully spelled out is a financial commitment by the Federal Government to assist State and local governments to accomplish the necessary and worthwhile goal.

Even while I speak here this morning, a major national conference aimed at removing children from jail is completing its work in Denver. The goal of that symposium is to establish State coalitions to remove children from jail.

This is also one of the goals of the National Coalition for Jail Reform, of which NACO is a member and cofounder.

This year, Mr. Chairman, NACO believes, is the moment to act on this critical national problem.

According to unpublished data from the National Institute of Juvenile Justice and Delinquency Prevention's National Center approximately 120,000 young people were held in our Nation's jails in the midseventies.

That figure gathered from State planning agency monitoring reports on the separation requirement, section 223(a)(13), probably understates the true figure.

A children's defense fund study indicates as many as 500,000 juveniles may be held annually in jails and lockups.

There appears to be a direct relationship between the jailing of children and the rural nature of a State.

In addition, and perhaps most importantly, there appears to be a direct relationship between arrest rates for status offenders and the jailing of juveniles.

Mr. Chairman, America's counties are prepared to embark on this effort with the cooperative assistance of the Federal and State governments. This effort increases the necessity, we believe, for a State subsidy provision of the act. Given that subsidies have a proven track record to assist State and local governments reduce institutional populations, they could be an effective mechanism to assist the Federal Government in the removal of juveniles from jail.

Beyond these specifics, however, we must ask, what is our national policy toward youth?

What do we hope to accomplish with and for them? What rights do they have? What are their privileges and immunities which we in the adult world take for granted?

Until we answer these questions, and I know they cannot be answered today, and until we make the commitment to implement realistic solutions when we find answers, all the Federal coordinating councils and Offices of Juvenile Justice and Delinquency Prevention, all the national advisory committees and State advisory groups which we can create to assist troubled youth will not answer the problems of youth in our society.

I pose these problems to you in the hope that Congress through this and other committees concerned with the problems of our young people will help us answer these problems.

As the policy of the National Association of Counties states:

> The primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government.

We recognize that it is our responsibility. However, we need to create partnerships for change, partnerships in which the Federal Government, State governments, and local governments along with private agencies and lay citizens create first the climate where better programs for youth can be developed and second, those programs and services which will assist the Nation's young people to develop as full, creative, and productive members of this society, that is my hope in being here today.

We have attached to our written statement examples of county programs, many of which were started with the help and continue to receive LEAA and OJJDP funds.

These programs have significantly decreased the number of youths who came in contact with the juvenile justice system which increased the delivery, coordination, and cost effectiveness of the service.

Thank you.

Senator BAYH. Thank you very much, Ms. Lathrop. We appreciate your being here, and bringing the Boone County experience to our record. We look forward to working with you. I would like to have someone like you on the bench down there and sensitive to it.

Thank you all very much. I apologize for the shortness of time.

[Judge Lathrop's prepared statement with attachments follows:]

PREPARED STATEMENT OF JUDGE CAROLYN LATHROP

Mr. Chairman and members of the committee, I am Carolyn Lathrop, associate judge of Boone County, Missouri. For the past two years I have been chairwoman for Juvenile Justice of the National Association of Counties[1] Criminal Justice and Public Safety Steering Committee. I appear here today to present the steering committee's views on S. 2441, S. 2442, and S. 2434.

The Congress and the Office of Juvenile Justice and Delinquency Prevention in the face of much adversity, have made great strides in the past six years with the Juvenile Justice and Delinquency Prevention Act of 1974. Thirty-four of the 37 States which have had to meet the requirement of 75 percent deinstitutionalization of status offenders this year have done so. Over 30 States have revised their juvenile codes to reflect the act's philosophy of non-punitive efforts to assist troubled youth and to provide community based programs and services for youth. The Office of Juvenile Justice and Delinquency Prevention, after a difficult beginning, now appears prepared to assume the leadership role you intended for it in 1974. Naco believes that the leadership Ira Schwatz brings to the office will be responsible for future gains.

However, all the reforms envisioned in the act have not yet been realized. We still imprison youngsters for status offenses, not for crimes but for being unable to get along with their parents, and for running away from intolerable home conditions, in other words, for doing those things which the adult world defines as deviant behavior. Statutes which provide criminal penalties for these so-called crimes ignore the needs of young people and hinder the development of inexpensive and effective mechanisms for assisting our nation's youth reach their full potential.

Moreover, we are discussing the reauthorization of the Juvenile Justice and Delinquency Prevention Act at a time when there are attempts to "scare kids straight," to lock up more young people who commit both serious and minor crimes, and when there is a declining emphasis placed on the value of young people in our society. The difference between perception and reality about serious juvenile crime has produced a reaction out of proportion to the problem posed by serious and violent youth crime.

At the same time, one part of the act is being largely overlooked. That is, its focus on prevention. Many interest groups this year have emphasized the issues of serious and violent juvenile crimes and the monitoring of deinstitutionalization efforts. Very little attention has been devoted to prevention efforts. I recognize that prevention is difficult. It is, by definition, attempting to cause something not to happen. But we can prevent most delinquency if we try. Prevention must be the central focus of our efforts, and one of the highest priorities of OJJDP.

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[1] The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county governments. The goals of the organization are: To improve county government; to serve as the national spokesman for county governments; to act as a liaison between the Nation's counties and other levels of government; and to achieve public understanding of the role of counties in the Federal system.

NACO has several recommendations for changes in the Juvenile Justice Act—all geared toward enhancing the act's dual goals to improve the juvenile justice system and prevent juvenile delinquency.

FISCAL YEAR 1981 APPROPRIATIONS

All of our discussion here today, all of our noble sentiments will amount to nothing, however, if we do not fund the Justice System Improvement Act of 1979 and the Juvenile Justice and Delinquency Prevention Act. The proposal of the House Budget Committee last week, combined with reports that the administration is willing to eliminate LEAA formula, discretionary and national priority grants, leads us to believe, and, I suspect, much of the country to believe, that Congress is not serious about improvements to our criminal justice system and, more importantly, for this discussion, that Congress is not serious about the deinstitutionalization and separation mandates of the Juvenile Justice Act. About 40 percent of the personnel affected by the elimination of LEAA and OJJDP are youth workers. The immediate impacts would be to end prevention programs and to move children out of community-based facilities, onto the streets and into jails. This, of course, would be a giant step backward in our efforts to treat young people in a humane manner.

Even if only LEAA is eliminated, there would be about $74 million less in maintenance of effort funds available for these programs. Second, the Juvenile Justice Act formula grant program is administered by the State criminal justice councils (formerly State planning agencies) most of which could not function without LEAA funds. While States may use up to 7.5 percent of their Juvenile Justice Act funds for planning, monitoring and administration, most juvenile justice specialists depend upon the State criminal justice council apparatus to assist them in their work. And, third, OJJDP's administrative budget is not a part of its appropriation, rather, it comes from the administrative budget of LEAA. If LEAA receives no money, there would be no funds to administer the Office of Juvenile Justice and Delinquency Prevention.

NACO is also concerned about these reported cuts for reasons not directly related to the juvenile justice program. During the two-year process of reauthorizing the LEAA program, in the legislation, and in guidelines for running the new program local concerns and interests were given much more emphasis than in the past. The result is a program in which local governments have more authority and autonomy in dealing with their criminal justice problems. During the past ten years, LEAA has been a State-run program. After years of arguing our position, public interest groups representing localities, and NACO in particular, have finally succeeded in persuading the administration and Congress to alter the LEAA program to give larger local governments and combinations of counties and cities a status almost equal to States. It is disheartening to see such hard work and accomplishments threatened by the budget process.

OJJDP AS AN INDEPENDENT AGENCY

To assure that OJJDP can most effectively carry out its mandates under the Juvenile Justice Act and Justice System Improvement Act, the National Association of Counties recommends the Office of Juvenile Justice and Delinquency Prevention be established as an independent agency under the authority of the Attorney General. I would urge the Senate to examine the provisions of H.R. 6704, Congressman Andrews' proposal for reauthorization, which make OJJDP a fourth agency under the Office of Justice Assistance, Research and Statistics. NACO believes that only through co-equal status with the Law Enforcement Assistance Administration, the National Institute of Justice and the Bureau of Justice Statistics, can OJJDP fully assume the leadership role Congress has intended for the past six years.

An amendment to section 820(b) of the Justice System Improvement Act (Public Law 96–157) will be required to insert the Administrator of the Law Enforcement Assistance Administration along with the Directors of the National Institute of Justice and Bureau of Justice Statistics as persons who must consult with the OJJDP Administrator on the use of maintenance of effort funds. Such an amendment would insure that those funds would be used in a manner consistent with the purposes of the Juvenile Justice Act.

Mr. Chairman, NACO believes that as a separate agency, OJJDP would have more authority to assume the role as the lead Federal agency in promoting effective and consistent Federal youth service activities and policies among the departments and agencies which have youth-related programs. NACO has been concerned for the past decade about programs and policies affecting young people who come in contact with the juvenile justice system. These youth service activities, when designed by different human and social service agencies, often either conflict with each other or disregard the real problems of the youths they are supposed to serve. It will take a strong, independent agency with a Presidentially-appointed administrator, to fulfill the mandate to coordinate the varied Federal youth-oriented activities.

FEDERAL COORDINATING COUNCIL

The dismal record of the Federal Coordinating Council, established by the Juvenile Justice and Deliquency Prevention Act, supports the need for a strong, independent-led Federal youth agency. OJJDP, as part of LEAA, was to coordinate the activities of other Federal agencies with respect to Federal juvenile justice and deliquency prevention activities. An interagency coordinating council was established and given the power to waive regulations and guidelines to facilitate interagency projects. All of these provisions are solid and sensible. But what happened?

After three years of dormancy, the coordinating council began to meet regularly only in the past year and a half. For the first time ever, the council has a work plan and is seeking a staff contract to assure that the council has the capacity to chart its own mission. However, six years have gone by and the council cannot yet claim that it has had an impact upon any Federal effort relating to juvenile justice or delinquency prevention.

An example of the failure to coordinate policy development are the regulations which govern youth employment programs under the comprehensive employment and training act. According to a definition adopted in the April 3, 1979 Federal Register (20 CFR 675.4), youth who are under the jurisdiction of the juvenile justice system can only be served if they are confined within an institution or if their families are income eligible. With no effective mechanism to review guidelines, the Juvenile Justice Act mandates of diversion and deinstitutionalization were contravened by a regulation which controls a program 40 times as large as the Juvenile Justice Act.

We support the provisions of S. 2442, the administration's reauthorization proposal which would give staff to the coordinating council and require it to approve all interagency funding projects undertaken by OJJDP with council member agencies. In addition, we hope you will add the Secretary of Education, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director of the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth and Families and the Director of the Youth Development Bureau to the coordinating council.

STATE ADVISORY GROUPS/NATIONAL ADVISORY COMMITTEE

Mr. Chairman, NACO supports efforts to strengthen the National Advisory Committee and the State advisory groups. We have long sought an amendment to section 223(a)(3(B) of the act to include local elected officials on State advisory groups. NACO recommends the act be amended to include representation by State and local elected officials on the national advisory committee in action 207(a)(2) of the act.

I remind you that it is local elected officials and their counterparts at the State level, who allocate the resources to continue the programs and services this act funds initially. Without their input at the front end of program planning; without their concerns as to what the real problems of youth are and without the capacity to have an ongoing dialogue between elected officials and the youth serving community, there will be no long term change in the system to benefit young people. Sustaining the alternatives to the juvenile justice system requires not only the cooperation of elected officials but their active participation in efforts designed to produce change.

NACO believes broadly based State advisory groups, including elected officials, should have the stronger role in the planning and granting authority of the act your bill proposes. We would suggest amendments which would permit State advisory groups to draft plans for submission to OJJDP which would remain intact unless the plan conflicted with the State's criminal justice plan or the goals of the act. The burden of proof for demonstrating such a conflict should rest upon the State criminal justice council. The same pattern should be set for grant making authority. If Congress intends for the State advisory groups to become an integral part of the reform effort at the State level, then it must give to State advisory groups the authority to implement the State's juvenile justice plan.

SERIOUS AND VIOLENT JUVENILE CRIME

Our membership supports language in the act which deals with the problems of serious and violent youth crime. As I indicated in the opening of our statement, we think the problem of serious juvenile crime is often overstated but, in many counties and cities, the problem is all too real.

We feel it is appropriate to use the resources appropriated under section 1002 of the Justice System Improvement Act to focus on serious juvenile crime. We think the provisions in S. 2441, which define violent juvenile crime by narrowing the scope of such crime to violent acts which result in bodily harm to or death of people is a realistic approach and a wise use of scarce Federal resources.

NACO is concerned, however, that targeting all of the funds available under section 1002 will prevent many States and local governments, which do not have extensive violent crime problems, from using these funds for other improvements in the juvenile justice system. Violent juvenile crime, as a phenomenon, is particularly an urban county and city problem. Rural and many suburban areas do not have nearly the problems with violent crime and gang activity as do our major urban areas. To require jurisdictions outside of urban areas to use all maintenance of effort funds for serious and violent juvenile crime could lead to the skewing of resources toward a small, if not non-existent, population.

NACO proposes that States should be required to identify the extent of the violent crime problem, as it relates to the total delinquency problem in their State, and then to devote all adequate share of maintenance of effort funds to violent crime problems. This approach would address the problem, while permitting the flexibility in the State and local priority-setting processes that both the Juvenile Justice Act and the Justice System Improvement Act support.

STATE SUBSIDIES

As the members of the committee are well aware, NACO has long favored amendments to the act which would create incentives for States to develop and implement financial incentive programs for units of local government to meet the goals of the act. A program of State subsidies, we believe, as a part of the Juvenile Justice Act would assist States and their local governments both financially and programmatically in taking concrete steps to reduce institutional commitments and to develop alternative programs. This program has also been supported by the administration in its testimony.

The current act recognizes subsidies as an advanced practice in section 223 (a)(10)(H). Congressman Andrew's bill adds the use of subsidy in the use of special emphasis prevention and treatment programs and authorizes the use of reverted funds to implement the subsidy program. We have commended him for this approach and basically we support it, if it is not possible to create a new title for subsidy programs which we would prefer.

I have had the opportunity to participate as an advisory committee member for the Academy for contemporary problems study which has looked at, among other issues, the extent to which juvenile justice and delinquency prevention subsidies are in effect today. Before the Academy undertook its research effort, NACO believed that such subsidies were limited in number and in scope; however, the Academy's thorough research indicates that we were wrong. According to data which has not been published in final form, as of 1978, there were 57 juvenile justice subsidies in 30 States. Those subsidy programs had appropriations of $166 million. Incidentally, these programs do not cover new subsidy programs in Wisconsin, Virginia and Oregon. Half of the subsidy programs have come into existence since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

Some important findings of the Academy's study are:

Most juvenile justice subsidies initiated during the last 15 years (and still in existence) have been directed toward community services development and alternative, noninstitutional placements.

The development of the State subsidies coincides closely with the initiation of Federal grant-in-aid programs.

A growing number of subsidies are requiring that comprehensive community plans and local advisory councils be developed.

A large number of diverse, community-based services for local juvenile delinquency prevention and control have come into existence with support from State subsidies.

Most services funded through subsidies are directed toward preventive and habilitative efforts.

Virtually all State subsidies are authorized through statutes.

An example of the kind of program which a subsidy component to the act could seek to fund is the New York Youth Aid Bill. Adopted in 1974, the subsidy program receives $23 million in State funds which is matched by at least a similar amount from New York's counties. All but several of the smallest counties participate in the program.

Another program worthy of note is the Minnesota Community Corrections Act which provides funds for both adult and juvenile community services. It uses a four-part formula including per capita income, per capita taxable value (of property), per capita expenditures for corrections purposes and percent of county population between ages 6 and 30. The MCCA provides funds to county or multicounty units after they have established a community corrections advisory board and developed a comprehensive plan to reduce commitments to State facilities. If a county exceeds its baseline commitment rate, it is charged on a per diem basis for commitments to State institutions, in cases where the sentence is under five years. Clearly, the incentive is there for the county to keep offenders in the community.

Programs like those in Minnesota and New York have proven records of success. We believe that with further impetus from the Juvenile Justice Act, subsidies could become a more effective mechanism to attain the goals of diversion and deinstitutionalization the act promotes. We urge you to consider carefully our proposal and the approach of H.R. 6704 to expand the range of subsidies. We hope, however, that you would maintain the current language of section 223 (a)(10)(H) as purposes of the subsidy program, perhaps adding the purposes Congressman Andrews seeks in his legislation and an additional purpose: "prevent delinquency through a broad range of community based youth development and diversion activities." This approach to subsidy, we believe, would strengthen the act considerably.

JUVENILES IN ADULT JAILS

Mr. Chairman, last week before the Subcommittee on Human Resources, Deputy Attorney General Charles Renfrew made one of the most important and, we believe, most enlightened proposals to emerge from the administration. He proposed the current requirement of separation of juveniles from adults in adult correctional and detention facilities be amended to require the removal of juveniles from adult jails. He proposed a five year timeframe to accomplish the removal of juveniles. Unfortunately, what the administration has not carefully spelled out is a financial commitment by the Federal Government to assist State and local governments to accomplish this necessary and worthwhile goal.

Even while I speak here this morning, a major national conference aimed at removing children from jail is completing its work in Denver. The goal of that symposium is to establish State coalitions to remove children from jail. This is also one of the goals of the National Coalition for Jail Reform, of which NACO is a member and cofounder. This year, Mr. Chairman, NACO believes, is the moment to act on this critical national problem.

According to unpublished data from the National Institute of Juvenile Justice and Delinquency Prevention's national center for the assessment of alternatives to juveniles justice processing approximately 120,000 young people were held in our Nation's jails in the mid 1970's. That figure gathered from State planning agency monitoring reports on the separation requirement (section 223(a)(13)) probably understates the true figure. A children's defense fund study indicates as many as 500,000 juveniles may be held annually in jails and lockups. There appears to be a relationship between the jailing of children and the rural nature of a State. In addition, and perhaps most important, there appears to be a relationship between arrest rates for status offenders and the jailing of juveniles.

The study by the Academy for Contemporary Problems, that I referred to in my subsidy testimony, has data which indicate that in some States more juveniles waived to adult court are being sentenced to local adult correction and detention facilities than to State penitentiaries. If verified, this data would suggest we have a multifactor program that will be difficult, but not impossible, to solve.

The assessment center study, which I urge the committee to read, indicates that 10 States confine over half of all children incarcerated in the Nation. If these data are true, then we can solve the problem. It will, however, require the infusion of resources by the Federal Government, along with proper leadtime to develop plans and implement effective programs to remove juveniles from jail. At our annual conference in Kansas City last July, NACO adopted a new section to our policies which states: "Counties are urged to remove juveniles from correctional facilities which detain accused or adjudicated adults."

Mr. Chairman, America's counties are prepared to embark on this effort with the cooperative assistance of the Federal and State Governments. This effort increases the necessity, we believe, for a State subsidy provision of the act. Given that subsidies have a proven track record to assist State and local governments reduce institutional populations, they could be an effective mechanism to assist the Federal Government in the removal of juveniles from jail.

UNOBLIGATED FUNDS

Mr. Chairman, we oppose the provisions in S. 2441, which would transfer all unobligated funds from OJJDP to the Runaway and Homeless Youth Act at the end of each fiscal year. Like you, we have been troubled by the inability of OJJDP to expend funds in a timely manner. However, that problem can be solved by giving the independent status to OJJDP we have called for and by providing it with its own administrative budget to insure adequate staff levels within the office. This approach, rather than the implicit threat of fund transfer, is a better way to meet the purposes of the Juvenile Justice and Delinquency Prevention Act.

We are pleased to see that, even with its small number of staff, OJJDP is undertaking seven grant initiatives this year as opposed to the customary one or two in prior years. This activity we feel reflects the maturation of the office and its staff. NACO is confident that the efforts the office is undertaking now will be the kind of effort we can expect in the future, so we urge patience upon you.

ADMINISTRATIVE PROVISIONS

NACO supports amendments to the Juvenile Justice Act which would conform to administrative features of the Justice System Improvement Act. The most important of these is a three-year planning process with annual updates by States instead of the current annual plan. This process would permit State juvenile justice staff more time to monitor projects funded under the act and to provide technical and other assistance to improve those projects.

We support assumption of cost criteria which require State and local governments to pick up programs funded under the act after a reasonable period of time. In addition, OJJDP should be required to act on State juvenile justice plans within a specified time frame. The civil rights provisions of the JSIA should become a part of the Juvenile Justice Act.

We recommend that the provisions of the Juvenile Justice Act regarding local input into the planning process will be carefully monitored, particularly in light of the creation of entitlement jurisdictions under the JSIA. While we recommend no changes in the provision of the Juvenile Justice Act requiring this input, we do not propose extending entitlement requirements to the Juvenile Justice Act simply because the amount of monies available under formula grant provisions is too small, we do urge OJJDP to be vigilant in the enforcement of this provision.

CONCLUSION

Beyond these specifics however, we must ask, what is our national policy toward youth? What do we hope to accomplish with and for them? What rights do they have? What are their privileges and immunities which we in the adult world take for granted? Until we answer these questions, and I know they cannot be answered today, and until we make the commitment to implement realistic solutions when we find answers, all the Federal coordinating councils and offices of juvenile justice and delinquency prevention, all the national advisory committees and State advisory groups which we can create to assist troubled youth will not answer the problems of youth in our society. I pose these problems to you in the hope that Congress through this and other committees concerned with the problems of our young people will help us answer these problems.

As the policy of the Nation Association of Counties states: "The primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government." We recognize it is our responsibility. However, we need to create partnerships for change, partnerships in which the Federal Government, State governments, and local governments along with private agencies and lay citizens create first the climate where better programs for youth can be developed and secondly those programs and services which will assist the Nation's young people to develop as full, creative and productive members of this society. That is my hope in being here today. I thank you.

Resolution on Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974

Whereas, The incidence of criminal offenses committed by juveniles remains alarmingly high and disproportionate to the numbers of youths in the general populations; and

Whereas, Congress in 1974 recognized this crisis in the passage of the Juvenile Justice and Delinquency Prevention Act to prevent and to control juvenile delinquency by providing for the diversion of juveniles from the traditional juvenile justice system and for the deinstitutionalization of young people who find themselves enmeshed in the system through a program of financial assistance to State and local governments; and

Whereas, Research has indicated that early identification and assessment of problems of youth and diversion of juveniles from the traditional juveniles justice system reduces significantly the probability of future criminal behavior; and

Whereas, Counties and their juvenile courts and executive agencies bear responsibility for the juvenile justice system as well as have responsibility for a wide range of social, health, educational and rehabilitation services designed to assist youth; and

Whereas, NACO has consistently supported the goals and mandates of the Juvenile Justice and Delinquency Prevention Act and has supported increased appropriations to assist state and local governments to meet the objectives of the Act; and therefore, be it

Resolved, That the National Association of Counties supports at least a three-year reauthorization of the Juvenile Justice and Delinquency Prevention Act as a distinct provision of any program of Federal criminal justice financial assistance to State and local governments with a separate and identifiable office to administer the Act; and be it further

Resolved, That any reauthorization maintain the basic goals of the Act as originally adopted and provide sufficient authorizations to implement the Act effectively; and be it further

Resolved, That the Act should define juvenile detention and correctional facilities as any public or private facility used for the detention of accused or adjudicated juvenile criminal or status offenders and any public or private facility used for the custody of accused or adjudicated adults for the purposes of monitoring the deinstitutionalization requirements of the Act. Congress should extend the time limit for compliance to permit non-participating and non-complying states a reasonable opportunity to meet the mandates of the Act; and be it further

Resolved, That the Act be amended to include the creation of programs and services which assist counties in the control of serious and violent juvenile delinquents; and be it further

Resolved, That Congress adopt a new section of the Act with a separate authorization and appropriation which would provide financial incentives to States for the establishment of subsidy programs to units of general purpose local governments to carry out the purposes of the Act, and particularly to promote deinstitutionalization and the development of a broad range of community based youth development and delinquency prevention programs; and

Be it further *Resolved*, That representation for state and local general elected officials be provided for on all advisory committees created by the Act.

Adopted by the National Association of Counties' Criminal Justice and Public Safety Steering Committee, July 1979.

LANGUAGE FOR A NEW TITLE TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, AS AMENDED

TITLE IV—STATE SUBSIDIES

PURPOSES

This Title shall provide assistance to states for the establishment of programs designed to assist units of general purpose local government through the use of State subsidies as defined in Section 103 (14) of the Act. These subsidies shall be available to such governments to:

(a) reduce the number and percentage of the State's juvenile population committed to any type of juvenile facility;

(b) increase the use of non-secure, community-based facilities as a ratio of total commitments to juvenile facilities;

(c) reduce the use of secure incarceration and detention of juveniles;

(d) encourage the development of organizational, planning, training, monitoring and evaluative capacities to coordinate youth development, delinquency prevention and delinquency control services and to ensure service delivery accountability.

FEDERAL ASSISTANCE

The Administrator is authorized to make grants to states, upon approval of a submitted plan, to accomplish the purposes of this Title. Funds shall be allocated annually in an amount up to 50 percentum of a state's allocation under Section 221 of this Act. Funds for part (d) will be provided only when the Administrator is satisfied that states are in substantial compliance with one or more of parts (a), (b) or (c) above; or if the Administrator is satisfied that current programs will achieve the goals of (a), (b) or (c).

Monies that are earmarked for particular states under the allocation formula, but which remain unallocated because those states do not choose to participate in the program, shall be deposited in a general discretionary fund under the direction of the Administrator, to be expended as follows:

(a) 50 percentum of such funds shall be available for reallocation to states participating in this Title in a manner consistent with and in proportion to the original grants to those states;

(b) 50 percentum of such funds shall be available, upon application as provided by regulations promulgated under this Title, to fund programs sponsored by units of general purpose local government in states not participating in this Title. Funds available for this purpose must be used in non-participating states, but not necessarily in the proportion mandated by the original allocation formula. The Administrator shall be responsible, however, for ensuring that funds from the discretionary fund established by this Title, are distributed equitably among the states and that their use is consistent with the purposes and standards of this Title.

Financial assistance extended to the states under this Title shall not exceed 50 percentum of the approved costs of any assisted programs or activities. The non-Federal share shall be provided in cash.

States may expend up to 10 percentum to total Federal and State funds for planning and administration of this Title.

In accordance with regulations promulgated under this Section, states which provide assurances that provision of either juvenile justice or social services to juveniles is primarily a state responsibility, may receive grants under this Title; providing proper application is made.

PARTICIPATION BY STATES

Within 120 days after enactment of this Title, the Administrator shall publish regulations to carry out the purposes of this Title.

States shall have 90 days after publication of regulations to give notice of intent to participate in this Title. States shall provide copies of statutes and regulations which establish or fund the state subsidy program.

In states where the State legislature is not in session, states which desire to participate shall notify the Administrator of the date of the next regularly scheduled session of the State legislature. The Administrator shall hold funds in trust until 90 days after the convening of a legislature to ensure the opportunity for participation.

DEVELOPMENT OF STATE PLAN

Following the receipt of notification by the Administrator of intent to participate in this Title by a State, each State shall have 120 days to submit an acceptable plan to the Administrator for the establishment of a state subsidy program consistent with the purposes of this Title. The Administrator may, at his discretion, extend the 120-day planning period when it is in the best interest either of the State or Federal government.

An acceptable plan shall include programs that promote the purposes of this Title; use the services of private non-profit youth serving agencies where feasible; assure the development and implementation of adequate monitoring, reporting and auditing systems; and comply with regulations promulgated under this Title.

The State subsidy plan submitted to the Administrator shall be a joint, cooperative effort among officials of state government, representatives of general purpose units of local government and representatives of private non-profit youth serving agencies within the state.

States where the state legislature shall designate an agency other than the criminal justice council to administer the state subsidy program shall provide that the criminal justice council will be responsible for the expenditure of federal funds received under this Title, in accordance with the provisions of this Title. Representatives of the Criminal Justice Council shall participate in the drafting of a state plan for submission to the Administrator under this part and shall approve the plan before its submission to the Administrator.

The state subsidy plan shall be submitted as part of the State's plan under Section 223 of this Act and shall not conflict with that plan. If the state's subsidy plan is rejected, amended or modified by the criminal justice council, the Administrator of the state subsidy program shall have the right of appeal as prescribed by the chief executive of the state or state law.

The Administrator shall notify states of the acceptability of their plans, based on the requirements of this Title, within 90 days of their receipt. Plans which are not acceptable will be given comment by the Administrator as to the reasons for unacceptability and the states shall be given opportunity to resubmit or to justify their original plan.

STATE SUBSIDY PROGRAMS

Local government programs receiving funds through state subsidy programs must be consistent with the purposes of this Title. States which require local match from participating units of local general purpose governments may not require that those matches exceed fifty percentum of the state's share under this Title.

Experimentation among the states in program design and development, consistent with the goals of this Title, is encouraged with various models of subsidy programs.

States with existing subsidy programs may participate fully in the program established by this Title. Funds from this Title may be used to expand existing programs in states already having programs or they may be used to start new programs, so long as all programs using funds from this Title are consistent with the purposes of the Title.

Federal funds made available under this Title will be used to supplement and increase but not to supplant the level of state, local or other non-Federal funds that would in the absence of such Federal funds be made available for the programs funded in this Title and will in no event replace such State, local and other non-Federal funds.

This Title recognizes the unique and important role of private non-profit youth service agencies in resolving delinquency related community problems. Units of general purpose local governments receiving funds under this program are encouraged to make grants or execute contracts with private non-profit youth service agencies to accomplish the purposes of this Title whenever feasible. Nothing in this Title shall give the federal government control over the staffing and personnel decisions of private facilities receiving funds under this program.

AUTHORIZATION OF APPROPRIATIONS

To carry out the purposes of this Title there is authorized to be appropriated for the fiscal year ending September 30, 1981 the sum of $50,000,000; for the fiscal year ending September 30, 1982 the sum of $75,000,000; and for the fiscal year ending September 30, 1983 the sum of $100,000,000.

MISCELLANEOUS PROVISIONS

Section 223 10 (H) of the Juvenile Justice and Delinquency Prevention Act of 1974 is hereby repealed. Section (I) is renumbered to read Section (H).

Amend Section 103 of the Act by inserting after subparagraph 13 the following new paragraph (14) as follows:

(14) the term "state subsidy" means a transfer of funds from state to units of general purpose local government to fund or to supplement services and programs for juvenile delinquency prevention as well as juvenile justice systems' programs.

COUNTIES AND THE JUVENILE JUSTICE ACT: SOME EXAMPLES

Since 1977, more than fifty achievement awards have been given to counties which have shown progressive developments in services to youth, especially in the area of juvenile justice and delinquency prevention. Programs in family and youth counseling, supervised release, centralization of youth services, non-secure detention, community alternatives, school-based programs and diversion services, to name a few, demonstrate the leadership role local governments have assumed to control and prevent delinquency. These programs, many of which were started with the help of, and continue to receive, LEAA funds, have significantly decreased the number of youth who come in contact with the juvenile justice system while increasing the delivery, coordination and cost effectiveness of services.

The following are but a few examples of successful programs:

San Mateo County, California, has established a network of youth service bureaus which provide 24-hour, seven-day a week response capability, individual and family counseling, tutoring, and recreational and youth employment activities. The bureaus receive funding and participation from the local cities and police departments, schols, private agencies, and the county probation department.

In fiscal year 1979–80, of the over $600,000 spent for six programs in the county, over 60 percent of those funds were from the county, with about 20 percent from LEAA, via the San Mateo Criminal Justice Council, and the other 20 percent from schools, cities, private agencies, and the United Way.

In 1977, 1979 cases were referred to Youth Service Bureaus. In 1979, 2,946 cases were referred. Of those, 1,452 had been referred by police and/or probation officers, had had arrest reports filed, and were formally diverted. Approximately 1,500 were cases from schools, parents, self-referrals, and police and probation officers who had not filed an arrest report.

The total new referrals to the probation department, as compared to the base mean from the year 1972–74, showed a reduction of 652 cases, thus saving over $403,000, which was reimbursed to the programs.

The Montgomery County, Maryland, Health Department administers a program for status offenders and their families outside the juvenile justice system. The project, called PACT: Parents and Children Together, features a specialized intake, screening and referral unit to process all status offender complaints, and contracts, with careful follow-up, for services with private non-profit community agencies.

In 1979, the average cost for disposition of a case was $383 for PACT vs. $669 for the traditional system. These figures do not even include the cost of treatment after disposition. Seeing 550 youth, the county saved $157,300 in 1979.

For the past three years, the program has received 90 percent of its funds from an LEAA grant, 6½ percent from the county, and 3½ percent from the state. As of July 1, 1980, the county will assume 100 percent funding of the program.

In St. Louis County, Missouri, the Community Alternative Project for Pre-delinquent youth (CAPPY) served 863 high risk students in FY 1979 in targeted junior and senior high schools throughout the county. Through structured classroom workshops, outdoor adventure activities, counseling and career exploration seminars, 72 percent of the participants had a decrease in anti-social and other behaviors which caused them to be labelled "pre-delinquent." This 72 percent was 12 percent *above* the goal for the year. 81 percent of the participants got into no further trouble that year.

The development of a strong partnership between the county and the public school system is evidenced by a 73 percent return rate on a survey of all secondary schols on drug and alcohol policies. In its third year of an LEAA grant, the county has shown its commitment to the program by providing a 32 percent match, with a 50 percent match expected next year.

In Camden County, New Jersey, the Juvenile Resource Center was set up to provide comprehensive services under one roof. A youngster must be referred by the courts or another agency dealing with the case. After he or she is admitted and evaluated for educational, vocational and social skills and needs, a personalized program is developed.

The 160 young people enrolled during the first year had committed 518 crimes in the year prior to their enrollment. The cost to taxpayers for court, processing, probation, residential and nonresidential treatment and facilities was just under $1 million, not including the cost of property damaged or destroyed or increased insurance rates.

After one year in the program, the same group of 160 had committed only 18 minor offenses, as compared to the 518 major and minor crimes in the previous year. They had obtained 20 Graduate Equivalent Degrees (GEDs) (10 more were completed one month later), and had obtained 70 jobs, earning and paying taxes on $135,000.

The program is funded by the Camden County Employment and Training Center, the State Law Enforcement Planning Agency, and State Manpower Services Council. The total cost of the program for the pilot year was $304,628, a savings of almost $700,000.

The Community Arbitration Project in Anne Arundel County, Maryland, which has been deemed an exemplary project by LEAA, alleviates the burdens on the juvenile court through timely informal hearings. In the first 2 years of the program, 4,233 youths went through the program. Nearly half of their cases were adjudicated informally; only 8 percent were referred to the State's Attorney. The recidivism rate for clients of the program was 4.5 percent lower than that for clients of the traditional system.

In Bucks County, Pennsylvania, only 6 percent of the 982 intake cases penetrated the juvenile justice system. 1,122 referrals to more than 100 youth serving agencies in the county were made on these 982 intakes. 20,000 phone calls, to insure that the services were suitable and being provided, followed the referrals.

It costs $2 a day to treat a youth in the Youth Diversion Program. Treatment in non-secure residential facilities averages $35 a day. Treatment in secure facilities averages over $100 a day. Without court, processing, and probation costs, the program saves $33 to more than $98 a day for each youth. Many cases are referred to private agencies, so in these cases, the savings are even greater to the local taxpayer.

In its third year of funding from the Pennsylvania Commission on Crime and Delinquency, the program receives 10 percent of its funds from the county, and expects to have that percentage increased next year.

These programs and many others, run by private and public agencies and organizations, demonstrate the efforts and commitment of local governments to advance the spirit of the act; to deinstitutionalize status offenders, to keep offenders in the community and families intact; to involve the school, as the major youth serving agency outside of the family; to limit involvement with the juvenile justice system; to coordinate with other agencies and units of government; to develop cost effective and viable alternatives to traditional systems; and to prevent delinquency. Local communities view these programs as their own, in that they have direct involvement and participation in the operation, services, and objectives of them.

Senator BAYH. Our last panel will be Mr. Sanchez, Mr. Williams, and Ms. Maxton.

PANEL OF: RODOLFO B. SANCHEZ, NATIONAL EXECUTIVE DIRECTOR, NATIONAL COALITION OF HISPANIC MENTAL HEALTH AND HUMAN SERVICES ORGANIZATIONS; HALLEM H. WILLIAMS, JR., EXECUTIVE CHAIRMAN, NATIONAL ASSOCIATION OF BLACKS IN CRIMINAL JUSTICE; AND SALLY MAXTON, EXECUTIVE DIRECTOR, OHIO YOUTH NETWORK

Mr. SANCHEZ. Thank you, Senator.

For the sake of time, I would like to have our testimony included in its entirety in the record.

Senator BAYH. It will be included at the conclusion of the oral testimony.

Mr. SANCHEZ. Mr. Chairman, and members of the subcommittee and staff. I am Rodolfo Sanchez, the national executive director of COSSMHO which is the National Coalition of Hispanic Mental Health and Human Services Organizations. I have been its director for the past 6 years.

I am also the newly elected chairman of the National Forum of Hispanic Organizations which represents 64 national organizations in a wide spectrum of fields.

Before I start sharing our concerns, I would like to note that we are very pleased and encouraged to hear that the Deputy Attorney General, Mr. Renfrew, and the OJJDP Administrator, Mr. Schwartz, are looking into the special needs and concerns of minorities.

We are also pleased to be here in support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

I also want to note at this time that we favor very much the establishment of OJJDP as an independent agency that can report directly to those individuals who can help us facilitate the process with youth for a better community.

Senator BAYH. I might just interject here to emphasize in our record, as we try to tailor Government response to critical problems that are present in a higher degree if not uniquely present in certain areas and with certain groups of folks, I just think it is imperative that we emphasize the statistics that you bring to our record, to point out that about 42 percent of Hispanic Americans are 18 or younger which means that there is a large population of young folks there.

And, when you point out that 40 percent high school drop out rate, and 33 percent unemployment rate, those are three figures that just cry out for understanding and attention.

I appreciate the fact you mention that.

Mr. SANCHEZ. These figures emphasize that the situation is ripe for problems. Things won't go right if we don't look at these figures in relation to juvenile delinquency.

Youth living in urban areas, in poverty are often surrounded by drugs and alcohol, often their parents are separated, they lack a positive image for themselves, they feel rejection and discrimination, and they see their families affected by institutional racism.

These are the major things I see that are affecting youths in the minority communities. I feel very comfortable that I can speak on this issue facing not only the Hispanic community, but also the black youths in the ghettoes and Native American and Asian-Pacific youth.

I wish that the Native Americans and the Asian-Pacifics were on this panel. If they don't come tomorrow, I will talk to them.

Senator BAYH. Fine. We will be glad to have their thoughts. They have been invited. I think they are going to provide a statement for our record.

In the comprehensive nationwide study that was conducted by this committee some time back looking at the problem of school vandalism and violence, all of the criteria that you just mentioned, plus one other, the high degree of transient population or in a given family a good deal of moving around, which of course, is present, unfortunately, in large numbers of Hispanic families, those are the things that really cause trouble.

Well, I just wanted to compliment you for it.

Mr. SANCHEZ. I noted that a previous witness, Ms. Schroeder, from the Child Welfare League of America, made a very important point concerning linkages. She was speaking, I believe, about necessary linkages that have to be made between OJJDP, the National Institute of Mental Health, NIAAA, NIDA and also with John Calhoun, the new Commissioner for the Administration on Children, Youth, and Families. If we cannot get them working together with OJJDP, I don't think we will be able to benefit from the dollars that are being invested on interrelated youth issues.

This notion of linkage is part of what we are working on. COSSMHO has over 200 member agencies in 30 States and 175 cities. We are pushing our members to incorporate the concerns and the needs of youth. We say if you have a mental health center, see what can be done with the youth. If you have a drug program, see what can be done for the youth. Put them on your board of directors. Let's hear what they have to say.

In 1978, we had a national symposium on youth—Hispanic Youth—the first one in the country. We hope to have another September 17–21 of this year.

For the 1978 symposium we brought young Hispanics from around the country. Senator, I urge that, in future reauthorization hearings, next year you definitely bring in some youth. You would be surprised how much you hear from them. I think they really know the core of the problem and can make very specific recommendations.

Senator BAYH. I would like to note for our record that the program report of the National Hispanics Symposium is on file. That symposium was funded by moneys that came from this act under OJJDP Administrator John Rector. We are all here trying to continue this project also.

So, I am glad to see your assessment that this was a positive symposium.

Mr. SANCHEZ. Believe me, I would not be here and our organization would not be supporting this legislation and OJJDP if we didn't think it was doing a good job. Of course, it is like in a marriage. We are not happy every day, we argue sometimes, and we disagree, but hopefully it is going to be something that we can continue to work on and make positive recommendations. I am convinced that OJJDP must be given the support and the opportunity under its new leadership so that minority communities can benefit.

I want to note very quickly, about $600 million has gone into OJJDP. I would like to see a study, a thorough study of how much of that money really went into the community, into the Hispanic and into the black and Native American and Asian-Pacific community. I personally believe that very little of that money really went there. We have to start looking at where the problem lies and not just look at youth who belong to middle class families. We must start looking where the problem really is. This can also mean poor white kids, poor white kids who don't have any information and referral services, who don't have any padrinos, that is, someone who looks over you in the community and protects you and gives you guidance and gives you support.

I won't repeat from our statement the statistics or dropout rates for Hispanic youth. I can see that your staff has done a good job and brought such to your attention.

Senator BAYH. They have read your statement and brought that to my attention.

Mr. SANCHEZ. The major points that I want to summarize in relation to the act include the following:

We are concerned that alternatives to incarceration are needed to serve high risk offenders who are primarily urban, poor, and minorities;

Diversion of status offenders from adult detention facilities must receive increasing attention in terms of policy and funding;

A greater amount of funds should be allocated to communities with disproportionately high levels of juvenile crime, school dropout, and suspensions in order to provide services in appropriate language and cultural contexts;

OJJDP should increase support for projects aimed at prevention and improving ethnic youth service agencies. Technical assistance should be provided in the area of planning, development, implementation, and evaluation of programs aimed at controlling crime and delinquency:

OJJDP should increase the number of minorities in its employment and particularly in the administration and policy positions. Also, it should better monitor the States receiving formula grants to insure that minorities are participating not only in the State advisory planning committees, but in actual administration and policy development;

Further, we need to increase the knowledge base—through research and state of the art reports—on the needs and status of Hispanic youths and to improve the collection and dissemination of information on model programs;

Also, States receiving OJJDP funds should be required to implement Public Law 94-311, which went into effect in 1976 and mandates HEW, Commerce, Labor Departments to improve collection and dissemination of social and economic statistics on Hispanics.

Mr. Chairman, we cannot tell you right now how many Hispanics are being incarcerated, how many are in foster homes. Some States—and I would like to be challenged on this—still think we are back in the 1600's and discriminate against people of color. They do not find it advantageous to gather statistics on minorities.

We must begin to gather the kind of statistics that enable us to come here and say, Mr. Chairman, we have 100,000 youths who are incarcerated or we have 50,000 who are placed in foster homes and 20,000 of those have now been adopted or have good homes. We have little or none of that recorded. If someone has it, I welcome it.

Mr. Schwartz noted in his report that racial minorities are processed differently by courts. They are more likely to be institutionalized and processed at an earlier age. Racial minorities are also more likely to be processed by police.

The gentleman who preceded me referred to firearms. We have an increase—although others who preceded here earlier said there is a decrease—in violent crime. Perhaps that is a decrease for the overall population, but in my personal opinion, based on talking to a lot of minorities, Indians, Asians, and blacks, in preparation for this testimony, there is an increase in violent crime among youth against each other. I know, for a fact, in Los Angeles there has been a tremendous battle among the gangs. In San Antonio there has been a rise in gangs, and in Chicago and in Miami.

I could go on and on but I promised I would keep this to 7 minutes. Thank you very much, sir.

Senator BAYH. Thank you very much, Mr. Sanchez. I appreciate your testimony. I feel frustrated having to speed this hearing along, but I wanted as many groups as possible to testify who have been instrumental in this legislation.

Mr. SANCHEZ. Well, they say he who is last gives the most.

[Laughter.]

Senator BAYH. You get the most because it is unlimited what you can say. I have to return to the Senate for floor action shortly.

Mr. SANCHEZ. Well, I heard about that $50 million still not allocated. I hope that in this regard, special emphasis will be given to minorities.

It would be ideal if OJJDP would sponsor a series of national youth symposiums for Native Americans, Asian-Pacifics, blacks, and Hispanics individually, and then one all together so we can share information. By "all together" I mean minority and nonminority, so we can learn from each other about what are the positive things that work and what are the things that really don't work.

Senator BAYH. These symposiums have a role. Whenever we can conduct them and they certainly provide educational benefits then that is fine. We should encourage more of these programs.

I want to see some of that money get out there on the street and in the barrios and in the inner cities.

The one category of funding that I am familiar with, the majority of the money that was returned to the communities went to black, Hispanics, and Native Americans.

Now I would like to ask Mr. Schwartz if he can give us an update on how the resources of the program across the board have been distributed.

Mr. Williams, I am anxious to hear what you have to say. I will read it carefully in the record. And, Ms. Maxton, forgive me if I have to return to another committee to call it to order.

As I say, it will be just as if I had been here. I will ask the reporter to note my absence. We will ask Ms. Jolly, staff director and counsel, who has spent so much time here and Mr. Faley, the chief counsel, if they can keep things moving.

Why don't you proceed and then we will let Ms. Maxton be the cleanup hitter here.

TESTIMONY OF HALLEM H. WILLIAMS, JR.

Mr. WILLIAMS. Thank you, Senator.

It is also a pleasure for me to appear before this committee once again on behalf of the National Association of Blacks in Criminal Justice.

Let me say at the outset that the association supports the notion of reauthorizing the Juvenile Justice and Delinquency Prevention Act.

We are heartened by the statements this morning, particularly from Mr. Schwartz, relative to some followup which took place, I trust in part in response to some testimony which I and others gave at his confirmation hearing.

What that says to me is that both from an intuitive and an empirical standpoint, some of those things we knew. Some of those things with respect to inequities in the treatment of certain classes of juveniles, are things about which the administration at the Federal Government level can do much.

It seems to me, in addition, however, that the legislation itself can and should include some provisions which would go a long way to dealing with how some of these inequities come into being.

Specifically, and let me preface this by saying that I understand the relationship between the Federal Government and with the State and local governments. I understand the notion of prerogatives on the part of the Government and I understand the conceptual basis for the legislation and its amendments.

Having said that, however, I understand from experience that without very strong and prudent Federal leadership, a great deal of slippage takes place at the State and local level.

For that reason, the National Association of Blacks in Criminal Justice would advocate the inclusion of provisions in the legislation which would specify minority representation on state advisory councils, would make provisions for consultation between the State officials and minority organizations and agencies in the preparation of State and local plans.

Would support the notion of allocating the resources, the grant dollars to those areas of greatest need.

Our feeling with respect to the issue of violent or serious juvenile offenders is that while when you look at the total population of juvenile offenders or juvenile delinquents nation-wide, it may represent a small percentage.

Nonetheless, when you ask people about what it is that most concerns them about crime, or what types of crimes do they fear most, or who is perpetrating these crimes, by and large you find that minority urban youth are those persons with closest association to serious offenses.

I would think that this ought to be an important focus of the administration of the legislation.

I think that however, to treat this class of offenders with the business-as-usual attitude would be to do a disservice.

In other words, I think that the Senator's emphasis on violent juvenile crime should and could go a little further to mandating innovative, rehabilitative and treatment programs such that we break this vicious cycle of involvement in the criminal justice system.

We have to be very careful about warehousing these individuals, just as we have to be very careful of our treatment of the status offenders such that we break into the vicious cycle.

I think that we have to be mindful of the relationship between the social setting, economic disadvantage and educational system when we talk about building strategies for ameliorating the delinquency crime problem in America.

I think also, and I will end here, I think that we have to mandate that the Office of Juvenile Justice and Delinquency Prevention should do a better job of involving minorities and minority institutions in the conduct of research which after all is the basis for the formulation of program strategy.

I just think that this is a partnership which should be recognized and that the partnership between the community and the Government not only should be recognized, but operationalized.

Thank you.

Ms. JOLLY. Thank you very much.

If you didn't receive a copy of Mr. Schwartz' answer to your questions at his nomination hearing, when we have them together we will make sure that you do receive them.

Mr. WILLIAMS. Sure.

Ms. JOLLY. Also, I think that, with regard to the research area that you discuss having more funds for blacks and other minorities, that the research part of the National Institute is very miniscule compared to all the other discretionary funds that we have available in the Juvenile Justice office.

It is the intent of the act that the Special Emphasis Area, the Concentration of Federal Effort Area, the Technical Assistance Area, and the other areas that are involved with discretionary funding that they look at the programs in order to assure that minorities are given adequate funding.

Mr. WILLIAMS. Right.

Ms. JOLLY. Thank you.

Sally Maxton.

TESTIMONY OF SALLY MAXTON

Ms. MAXTON. I am glad to be here today. If there is one point that I could emphasize today it would be that we would like to see the Office of Juvenile Justice come on like a lion.

We would like to see the Juvenile Justice Act with as many teeth as possible.

Ohio is probably one of the most Neanderthal States in terms of juvenile justice and education in the country. We lock up more kids than any other State other than California.

As of March, we had about 1,900 in the youth commission—10 secure institutions.

A recent publication OYC stated that only 18 percent of the kids they are locking up there need to be there. They are doing that at a cost of about $27,000 per child, per year.

Ohio held about 30,000 kids in detention last year, and 6,800 of those were status offenders.

There are 34,000 kids pushed out of school prematurely, dropouts, pushouts, behind expulsion and suspension, which often relates to their detention.

Again, a large percentage, extensively large percentages of those were minority youth, many of whom were institutionalized for minor offenses far more than their white counterparts.

We have large numbers of minority youth being bound over to the adult system, particularly with the new placement model that has been developed to keep minor offenders out of the system. The judges have reacted to OYC's deinstitutionalization efforts by binding more youth over to the adult system, and most of the bindovers are minority youth.

We would like to strongly support the recommendation that the act mandate that no youth be held in jail with adults, and to emphasize the appalling fact that Ohio held about 2,000 youths in jail with adults last year.

The suicide rates have been high. The abuse rates have been high, but they get back page coverage. The media does not feel institutionalized abuse sells papers like "Scared Straight." Although with youth held in adult jails it is a much worse kind of scared straight because the controls of media observation are lacking and sexual and physical abuse go uncontrolled.

So, that provision we would support wholeheartedly.

Another provision that we would support is the separation of the Office of Juvenile Justice as an independent entity under OJJARS, equal to LEAA, at a funding of $250 million.

I believe Judge Guernsey and others have spoken of the importance of separating juvenile issues and adult issues, otherwise juvenile issues tend to get a much lower priority.

Ms. JOLLY. That is a good point. However, in Senator Bayh's reauthorization legislation we do give the Administrator of the Office complete and final authority for the program.

What we are really talking about here is a shell game. As you know right now, LEAA, OJARS, NIJ, and BJS are having some problems.

What has been portrayed is that these branches are coequal. However, they are not, because we know that LEAA receives most of the funds. Right now the Juvenile Justice Office is second highest in receiving funds.

What Senator Bayh's bill will do is retain the Juvenile Justice Office under LEAA, however, the Office will have complete control of not only the $100 million that they receive for fiscal year 1980, but also the $100 million that they receive for maintenance of effort which is Crime Control Act moneys and, also, the control of all the discretionary moneys. Prior to this the LEAA had final signoff of discretionary moneys.

The LEAA Administrator no longer would tell the OJJDP Administrator who to hire for the deputy, who to hire for the head of the Institute, and who to hire for the new legal counsel position that we set up. No control whatsoever.

The OJJDP Administrator would have complete administrative control according to Senator Bayh's bill.

What happens if you have a fourth box, when another administrator has final authority over the Juvenile Justice Office?

As Senator Bayh's legislation is written at this point, the Administrator of OJJDP has complete and final authority for all grants, contracts, regulations, and administrative procedure.

Ms. Maxton. Another related issue is that we would like to see the National Institute of Juvenile Justice and Delinquency Prevention maintained under the Office of Juvenile Justice.

Ms. Jolly. So does Senator Bayh. His legislation does not change that status.

Ms. Maxton. That again has to do with the aggressive role we would like to see the Office take in terms of training and technical assistance.

There is a great deal of consciousness raising needed in Ohio among juvenile judges, legislators, and others.

I can give you a couple examples of that. We have a bill in the hopper presently in the Ohio Legislature, Senate bill 170, which would make it possible to bind over a young person ages 13 and over, for threatening a schoolteacher verbally, offending the sensibilities of the group in presence and some other crazy language, if the youths are over 125 pounds or 5 feet 6 inches.

We have a lot of school bind-over bills, school expulsion bills. A lot of bills that don't make sense. The cry is still to lock the kids up in the youth commission.

We function under an advocacy grant through OJJDP and the National Youth Work Alliance and because of the advocacy grant and the coalition of groups, we were able to close Ohio's largest training school this year, 124-year-old school, Fairfield School for Boys which was very archaic in its philosophy and its operation.

The kinds of work that has been allowed under OJJDP in terms of advocacy have been extremely important. We had a large group of labor people. UAW, representing one-quarter of a million auto workers, Communication Workers of America, AFL-CIO, Council of Churches, League of Women Voters beginning to work on community education in juvenile justice.

We would like to see the Office of Juvenile Justice funded well enough with the training component and with the data base developed by the Institute so that Ohio can learn from what has happened in other States.

Right now we are learning through trial and error and what the media tells us in terms of kids being all bad—you know, lock them up and throw away the key. That philosophy is reflected in what is happening in the State.

We have made some progress under the act, nothing to wave a flag about. We are 57-percent compliance. Since 1975, when we started participating we removed about 9,000 status offenders from detention.

Ms. Jolly. In your State will you be in compliance 75 percent within the next few months so you can get your fiscal year 1980 funds that are being held in escrow?

Ms. Maxton. No; we will not be in compliance. We still have some hope that our Juvenile Code is being supported by the group that I mentioned, the code revision, which makes it illegal to hold kids in jail with adults and status offenders in detention—there is an hour difference. Ours is 72 hours.

We will not be able to juggle the statistics to come into compliance. And yet, we may find that by using the compliance issue we may be able to impact the passage of the Juvenile Code.

So, we do support the teeth of the act. It is unfortunate as a contradiction, because we have 90 alternative programs funded through OJJDP keeping 16,000 young people out of the system.

Ms. JOLLY. Are your State criminal justice planners keeping in close touch with Senator Metzenbaum's office and his staff with regard to this issue? I think it is very important to all of us, having our moneys held in escrow if we don't comply with that provision of the act to make sure that we are talking to our Senators.

Ms. MAXTON. They have been in touch. We are in limbo right now as to that issue. They have corresponded with Senator Metzenbaum in regard to that.

That relates to another point in terms of technical assistance and the strengthening of the State advisory groups in order to include mandates where the State advisory group shall advise the legislature.

Our State advisory group presently in Ohio has not been very effective. It has been dominated by the juvenile judges and they have not been aggressive in dealing with the noncompliance issue.

Again, if energy from the Federal office could be devoted to helping all of the States struggling in a Neanderthal period, to see what has worked, why deinstitutionalization works. Education must be a priority. States need to know why deinstitutionalization is important. What has happened to kids held in adult jails, and what code revisions can work with the legislature. Onsite visits from OJJDP are crucial to effectively impact compliance and progress in all States.

We find that just sharing memos and information has some impact, but the actual impact of Federal involvement is really important.

One other statistic reflects the fact that our juvenile justice system is not working. A recent study showed 92 percent of the Ohio-born offenders locked up in the adult institutions in Ohio were graduates of our youth commission.

So, we know the system is not working, yet we are pouring money into it.

That brings me to the point of the maintenance of effort, earmarking all of that for violence offenders. We would like to see, as others have mentioned, a special initiative which would provide incentives to States to provide alternative programs, similar to the new PRIDE model, something that deals with treatment, remedial education, a really beefed up program.

If all of the $60 million is earmarked for serious offenders, we feel it could easily be misused by States. We estimate maybe 10 to 18 percent of the kids in Ohio are serious offenders and in some counties it is much, much less.

Half of a percent of the youth in my county, Franklin County, have been involved in some serious offenses.

So, we feel it would be a mistake to earmark all of the maintenance of effort money, but that a special emphasis, incentive programs would help the States ot utilize their funds and to change from institutional frameworks, using their resources in an institutional way to provide alternative programs and making better use of their resources.

Ms. JOLLY. From your perspective in Ohio though, if you were to go from a zero to 100 percent scale for maintenance of effort, you would face something like 10, 15 or 20 percent being spent for the most serious, violent offenders.

Ms. MAXTON. Yes; maybe 20 percent. Again, there should be specific language so it isn't used to supplement institutional programs and lockups which could very easily be done unless there is special wording that mandates an alternative nature and emphasis on education, health treatment, counseling, and vocational education.

Another area that we are very concerned about is the Runaway Youth Act. We would like to see it funded at $17 million. We would like to see the phase out eliminated.

Particularly with the President's budget cuts, we are extremely concerned.

Ms. JOLLY. What is phase out?

Ms. MAXTON. We understand there is a recommendation that local match be increased from year to year and after 3 years existing programs would not be funded——

Ms. JOLLY. Our understanding is that nothing like that has cleared HEW.

Ms. MAXTON. OK.

Ms. JOLLY. Or OMB.

Ms. MAXTON. That is good news.

We would support a continuation of present effective programs and an increased funding level in order to provide services to additional runaway youths.

It is estimated—Ohio State did a study—that there are 55,000 runaway youths a year in Ohio. We are not beginning to meet those needs.

Again, local communities and the State particularly, with the budget cuts nationally, are not going to be taking up the bill for what they consider a low priority.

So, we would like to see the Runaway Youth Act maintained and beefed up financially.

Thank you.

Ms. JOLLY. Thank you very much.

On behalf of Senator Bayh, thank you all for coming and testifying today.

We will recess until tomorrow morning, at 9:30 a.m.

[Whereupon, at 1:26 p.m., the hearing was adjourned to reconvene at 9:30 a.m., the next day.]

[The prepared statements of Mr. Sanchez and Ms. Maxton follow:]

PREPARED STATEMENT OF RODOLFO B. SANCHEZ

Mr. Chairman and members of the subcommittee: I am Rodolfo Sanchez, National Executive Director of COSSMHO—the National Coalition of Hispanic Mental Health and Human Services Organization. The COSSMHO network includes community-based agencies, national organizations, and professionals working to meet the health, mental health, social service, and youth service and advocacy needs of Cuban, Latino, Mexican American, and Puerto Rican communities throughout the country. COSSMHO affiliates are located in over 175 cities in 30 states, the District of Columbia, and Puerto Rico. I also come before you today as Chairman of the National Forum of Hispanic Organizations, a coalition of 64 national Hispanic groups in a wide spectrum of fields, including youth services and related education and employment needs.

As you know, Hispanics are the country's most youthful population, with a median age of 22 years. Forty-two percent of all Hispanics are age 18 or younger.

Yet for many of them the opportunity outlook continues to be bleak and the risk of delinquency or crime, high. Over 80 percent of our families and youth live in urban areas, most of them in inner-city areas characterized by chronic unemployment and underemployment, undereducation, lack of sufficient adequate housing, environments hazardous to health and safety, and inadequate services addressing basic social and human needs. Further, these conditions often afflict our families and youth in rural areas where resources are scarce or unavailable. Among our youth today the high school dropout rate runs at roughly 40 percent nationally, and the unemployment rate is well over 33 percent—both the school dropout rate and the unemployment rate are even more severe in cities and areas with major concentrations of Hispanics, such as Los Angeles, San Antonio, Miami-Dade County, Detroit, Chicago, New York City, and Boston. These conditions, together with increasing indications of drug and alcohol abuse, are closely associated with the serious incidence of juvenile delinquency and crime among Hispanic youth. Our communities continue to grapple with these problems but progress has been limited as the bulk of resources continue to flow elsewhere. Despite Hispanic innovations in the field, they are scattered and too few in relation to the scope of our national need.

In preparation for my remarks today, COSSMHO consulted with a wide range of youth serving agencies and experts among our membership. The comments that follow are based on these findings and our experience. The comments are directed toward ways in which the Act should be strengthened in order to target policy and programs more effectively on the pressing unmet needs of Hispanic youth, especially those at risk. Our concerns are also shared by other minorities and disadvantaged groups.

Briefly, these concerns relate to the following issues:

Targeting funds on special youth populations at risk and on communities and neighborhoods most in need,

Strengthening the capacity of ethnic, racial, and disadvantaged youth serving agencies and organizations in addressing these needs.

Increasing minority impact on state planning processes,

Expanding the knowledge base on minority and disadvantaged youth in the justice system, while at the same time increasing the availability and application of successful model programs and approaches reaching and serving these youth.

Specifically, we recommend that the bill, as reported out address these issues as follows:

(1) Disproportionate attention is being given to non-chronic, low-risk and status offenders to the detriment of urgently needed programs for "high risk" offenders, defined as youth not usually reached through counseling, job programs, halfway homes, retaining or other forms of professional supervision, youth who are—for the most part—urban poor, and minority. For too many of these, incarceration is still regarded as the appropriate institutional response.

(2) Increased efforts are needed to divert status offenders (defined as those whose conduct would not constitute a crime if committed by an adult) from adult detention facilities. These facilities continue to be filled with minority youth adjudicated as delinquent. Community-based organizations which have the capacity to best serve these youth in terms of providing social and community supports should receive priority attention in policy and funding.

(3) Improved distribution of funds under the Act should be achieved by including criteria which would target these resources on communities and neighborhoods that have disproportionately high levels of juvenile crime and delinquency, school dropouts and suspensions. For this purpose, we urge a significant set-aside of formula grant and special emphasis funds. In the allocation of these set-asides, priority should be given to community-based programs and services concerned with the needs and interests of minority and disadvantaged youth and having the demonstrated capacity to provide services in appropriate language and cultural contexts.

(4) As a complementary thrust, the Office of Juvenile Justice and Delinquency Prevention should increase support for projects aimed at improving the capacity of ethnic and racial minority youth serving agencies and organizations—at national, regional, and local levels—to plan, develop, implement, and evaluate programs that prevent and control crime and delinquency in the above communities. Technical assistance should also be an integral part of this effort.

(5) Increased minority representation and participation in decisionmaking processes under the Act be assured by requiring that:

State advisory groups include substantial representation of youth serving agencies, organizations, and groups working in communities and neighborhoods having disproportionately high levels of crime and deliquency, school dropouts and suspensions in the state.

In the development and implementation of the state plan, ethnic and racial minority agencies, organizations, and groups representative of the needs and interests of youth in the above areas be consulted.

(6) In order to refine the knowledge base on minority and disadvantaged youth and to promote the exchange of information on successful and innovative programs and approaches serving them, the mandate for the National Institute on Juvenile Justice and Delinquency Prevention should be expanded to include:

Research and state-of-the-art reports on the needs and status of these youth in the justice system.

The collection and dissemination of information of model approaches and innovations developed and utilized by youth serving agencies, organizations, and groups having extensive experience in reaching and serving these youth.

Prepared Statement of Sally Maxton

Mr. Chairman, Members of the Committee: The Ohio Youth Services Network is a statewide association of youth service bureaus, runaway shelters and other alternative programs, which advocate for juvenile justice reform in Ohio with the support of numerous labor and citizen groups, the League of Women Voters, UAW, AFL-CIO, the Council of Churches, Communication Workers of America, the ACLU, American Friends Service Committee, etc. Ohio is notorious for locking up more young people than any state other than California.

The full implementation of the JJDPA, as well as future reforms of the justice system in Ohio and other states, is largely dependent on the successful creation of alternatives to incarceration. Ohio is, therefore, dependent on OJJDP and LEAA, Part C, funding which presently support 90 alternative treatment programs serving over 16,000 young people outside of the Ohio institutional and detention system where recidivism rates tend to be far higher than in alternative programs. Ohio, although presently only 57 percent compliant with the Act has progressed substantially from where its' justice system stood in 1975 when it first came under the JJDPA.

The following chart reflects that progress, which, although nothing to wave a flag about, does show that since Ohio began participating in the Juvenile Justice Act in 1975, 9,021 less status offenders were held in detention over 24 hours and 4,832 less young people were held in jail with adults according to Ohio's 1979 Monitoring Report.

DATA ON OHIO'S NONCOMPLIANCE WITH JJDPA

	1975	1977	1979
Detention:			
1. Juvenile offenders and nonoffenders held	52, 394	35, 388	30, 255
2. Accused and status and nonoffenders held more than 24 hr	8, 386	3, 860	4, 647
3. Adjudicated status and nonoffenders held more than 24 hr	7, 482	3, 461	2, 200
Total, 2 and 3	15, 868	7, 321	6, 847
Youth in jail with adult offenders:			
1. Facilities that held juvenile offenders and adult criminal offenders	103	58	44
2. Juvenile offenders and nonoffenders not separated	5, 751	3, 567	1, 919

It is important to note that the present Ohio Revised Code also permits an unruly child to be defined as a delinquent if the unruly offender violates a court order pursuant to an "unruly" adjudication while on probation. Because of this feature in the law, many actual status offenders are being institutionalized in state and local facilities under a delinquency label. Ten percent of the 1,900 youth incarcerated in the Ohio Youth Commission last year were status offenders held for violation of a court order.

Those of us advocating for deinstitutionalization of juvenile offenders in Ohio do so with the knowledge of research documenting the harmful effects of incarceration of youth and the fact that our justice ssytem as it has been is not working. The most alarming statistic in Ohio reflecting this is the fact that 92 percent of the Ohio born adult offenders incarcerated in Ohio in 1978 were graduates of the Ohio Youth Commission.

A recent study by Ohio's Academy for Contemporary Problems documented that incarceration seemed to speed up, rather than retard recidivism (return to the justice system) of the "violent few" among juvenile offenders. With all else controlled, institutionalization tended to speed up the time at which new arrests occurred after a release.

With this knowledge, we fully support the mandates of the Juvenile Justice and Delinquency Prevention Act. We are aware that without this Act, Ohio's neanderthal juvenile justice system would be even more archaic.

We are deeply disturbed by the projected budget cuts of LEAA and with it, the Office of Juvenile Justice. OJJDP has been extremely effective and states participating in the Act have made substantial progress in initiating reforms.

Our first and foremost recommendation to you today, therefore, is to create a separate authorization and separate box for OJJDP totally apart from LEAA under OJARS to be funded for $250 million with an authorization cycle of five years. OJJDP needs the autonomy and separate identity to provide the leadership in juvenile justice policy so essential to effective juvenile justice reform in the individual states. Without a juvenile justice office and the vital funding provided to Ohio's 90 currently funded programs through OJJDP and LEAA Maintenance of Effort Funds, most alternative programs would go out of existence and 16,000 young people presently served more effectively in alternatives would end up in institutions, detention and adult jails.

Second, the Act must be strengthened to mandate that no youth in this country be held in jail with adults. Youth held in jail with adults face a "Scared Straight" situation every day without the controls of a monitoring media. Instances of rape, sexual and physical abuses and young suicides as a result of this practice are seldom reported, but must be recognized as unconscionable.

Third, the Runaway Youth Act should be maintained at $17 million without a scheme for phase-out or local match. Match requirements decrease the possibility of small, new or minority group organizations effectively bidding for OJJDP money which would in turn, cause a lot of innovative and non-traditional programs to go out of business. Although some maintain that the existence of runaway shelters encourages runaways to flee, shelter staff will attest to the fact that runaways are youth in crisis, not youth looking for a lark. Shelter staff work round the clock to provide vital services to strengthen families. Without these services, the 55,000 youth in Ohio who experience a runaway event each year are left to fend for themselves in the streets. We all hear the horror stories of runaways who are preyed upon by hitchhikers, pimps and the like, but it is essential to recognize how many young people have avoided this fate because RYA exists to fund shelters federally to provide staff who care about kids and whose main goal is to help resolve crises and reunite families. RYA funding should be increased to allow expansion of these vital services. Ohio's 10 RYA shelters cannot begin to meet the needs of our 88 counties. Currently funded effective runaway shelters should continue to be funded under RYA.

The recommendation to earmark 19.5 percent of the maintenance of effort funds ($60 million) for serious or violent offenders is an over-reaction to public outcry for law and order. Ohio spends $130 million each year to fund the Youth Commission to provide 10 secure institutions for approximately 200 youth each. The Ohio Youth Commission recently agreed that only 18 percent of the youth incarcerated in its' institutions are appropriately placed there. Unfortunately, these institutions are ineffective in reducing recidivism and are often, as is said, "schools for crime". Rather than earmark all of the maintenance of effort funds for serious offender initiatives, when this is where Ohio and other states are most willing to use state funds, OJJDP should consider providing a special incentive initiative to assist states in converting archaic institutions to more effective alternative models, secure if necessary, such as New Pride. Training should be provided along with the initiative to assist states in converting institutions to emphasize intensive treatment, remedial education, effective job and vocational counseling, to insure that serious offenders are offered something which will help to change their behavior rather than doing time in a tinder box where they either become victimizers or victimized by their peers. Since only 10 percent to 18 percent of Ohio offenders could be labelled serious, earmarking all maintenance of effort funds for serious offenders is not necessary.

This above point emphasizes the need to maintain the National Institute for Juvenile Justice and Delinquency Prevention under OJJDP. States like Ohio, striving to deinstitutionalize, often could avoid many pitfalls and experience more successes if provided with the research which reflects what strategies and program models have worked and have not worked in other states, which can be provided by an effectively organized institute. Training can and must be provided to state SAGS, alternative programs and youth authorities to assist them in emulating what has proved effective in other states rather than implementing projects and models which have proved dismal failures elsewhere. Juvenile justice differs greatly with adult criminal justice in the same way that Head Start preschool models differ with secondary education programs. Training and TA, evaluation, standard setting and applied juvenile justice research should be kept in NIJJDP to insure that juvenile justice be maintained as a high and well-focused priority.

Even Ohio juvenile judges wrote in their report "Let's Get Kids Out of Adult Jails" regarding the need to give juvenile justice concerns a high priority.

"Most juvenile authorities would agree that rather than a 19 percent maintenance of effort in juvenile justice (as against LEAA appropriations for the adult system) the figures should be reversed. With the legitimate community concerns about youth problems and juvenile delinquency, and the enormous cost economically and in spoiled lives, wouldn't it make more sense to spend 81 percent on juvenile justice and 19 percent on adult criminal justice?"

We wish to stress that OJJDP's monitoring requirements have been effective and should be maintained. Monitoring must continue to insure compliance and prevent backsliding. As an advocacy organization, the Ohio Youth Services Network has found monitoring report statistics in Ohio have been eyeopening to Ohio legislators and citizens, as well as some juvenile judges. We hope to see OJJDP strengthened in its mandate to implement the goals of the Act.

Although Ohio faces the loss of OJJDP funds due to non-compliance, we support the Act. To exempt states with youth authorities from the mandate to remove youth from adult jails would be a tremendous mistake and would turn the tide of the progress Ohio has made in this area thus far.

We suggest a special model programs—Advanced Techniques Initiative in the area of prevention to fund states to develop effective prevention models which can be emulated by other states. This area is one of the least well defined and most badly needed, but targeted model programs should first be developed to ascertain which approaches to delinquency prevention are most effective.

We support the continued creation of alternatives to incarceration, specifically a new title modeled after current deinstitutionalization provisions to offer financial incentives for voluntary state participation to remove either certain types of youthful offenders or for the reduction of numbers of youthful offenders incarcerated in secure facilities, with a subsidy approach to provide financial incentives for states participation.

A recent Illinois study on detention practices found that one half or more of the one million juvenile offenders detained annually in the United States could be released to supervised non-secure settings without endangering public safety. When one looks at Ohio, where over 30,000 youth were held in detention last year with a construction cost of $30,000 per bed per youth and an operational cost of $30 per day, the high cost of over-institutionalization becomes clear.

We also recommend minimum standards for alternatives to placement institutions, an emphasis on community based facilities with a bed limit of 50 to establish standards to prevent the widening of the present net of privately operated children's warehouses, which are already supported by powerful economic interests. Too often these systems catch predominantly dependent, neglected and abused children whose only crime is the lack of a strong family base.

We support the strengthening of wording of the JJDP regarding state advisory groups from may to shall, that is, the SAG's:

(a) Shall advise the governor and the legislature on matters relating to its function, and;

(b) Shall be given a role in monitoring state compliance.

SAG's should be allowed to use up to 5 percent of state formula grants rather than 5 percent of the base for training and incentive purposes. It is difficult to explain to those states with functioning SAG's the ineffectiveness of Ohio's present SAG. With effective financial support and technical assistance, the SAG in Ohio could conceivably become a leading force to assist in ahieving the mandates of the Act.

The Ohio Youth Services Network is supportive of a strong Juvenile Justice and Delinquency Prevention Act, which can only be accomplished by providing substantial funding at $250 million and by demonstrating the priority given to juvenile justice by establishing a separate office for OJJDP under OJARS. Those of us advocating for reform in Ohio's juvenile justice system cannot stress enough to you the importance of OJJDP, which has been a tremendously significant catalyst in reforms accomplished thus far.

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

THURSDAY, MARCH 27, 1980

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to adjournment, at 9:50 a.m., in room 6226, Dirksen Senate Office Building, Hon. Birch Bayh (acting chairman) presiding.

Present: Senators Bayh and Thurmond.

Also present: Kevin O. Faley, chief counsel and executive director, Subcommittee on the Constitution; Mary K. Jolly, staff director and counsel, Subcommittee on the Constitution; Christie F. Johnson, staff assistant, Subcommittee on the Constitution; Brian Fitzgerald, law clerk, Subcommittee on the Constitution; Luther Washington, legal assistant, Senator Metzenbaum; Jessie Sydnor, counsel, Senator Metzenbaum; Renn Patch, minority counsel, Senator Hatch; Yolanda McClain, counsel, Senator Dole; Liz McNichols, legal assistant to Senator Mathias; Beth Edwards, minority counsel to Senator Cochron; and Michael Klipper, minority counsel, Senator Mathias.

Senator BAYH. We will reconvene our hearing this morning.

I would like to have our distinguished ranking minority member make a comment before we proceed this morning.

OPENING STATEMENT OF HON. STROM THURMOND, U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Chairman, I just want to take this opportunity to express my interest in the testimony that is to be presented here. I have four meetings going on this morning, but I especially have to get to a meeting of the Joint Chiefs of Staff. All of the members of the Joint Chiefs of Staff are to be there on an extremely important meeting. I just have to go.

I want to say a word before I go. We have here today with us, Ms. Barbara Sylvester, of Florence, S.C. She is a vice chairman of the National Advisory Committee on Juvenile Justice and Delinquency Prevention.

Ms. Sylvester is a member of the board of youth services in South Carolina. No one in my State, and I doubt in the Nation, has taken a greater interest in our youth and in juvenile delinquency than Ms. Sylvester.

She is a very capable, outstanding woman. She has dedicated her life to serving the youth of this country. I just want to tell you folks that when she testifies this morning, that she will be worth listening to. I will take pleasure in reading her testimony later.

We also have from my State this morning, Mr. Joseph Benton, the director of the South Carolina Youth Services. He has done a fine service too, in our State. We are very proud of him.

He has with him Ms. Kelly Hyatt, a youth member. She will tell her story.

I think you folks will receive great benefit from the testimony of these three people today. I just want to commend them to you as worthy and outstanding people who are worth hearing.

Mr. Chairman, I want to thank you very much for your kindness in letting me make this statement prior to leaving to go to this other meeting.

Senator BAYH. Well, we appreciate your taking the time to be with us. I know how busy you are. We appreciate your interest in this very important matter. I know you are concerned about the children of your constituency, crime and delinquency, not only there, but all over the country.

We look forward to having the opportunity to work together to continue the progress that has been made.

After you left yesterday, we had the president of the National Juvenile Court Judges testify. Sometimes we wonder—you have been here a lot longer than I, and maybe you have all the wonder out of your bones, but I don't think so, about whether we really do any good.

He testified at the time we started working, the year we passed this legislation in 1974, the increase in juvenile delinquency was about 17 percent.

This last year it was less than 1 percent.

So, apparently some of these things we have been doing in trying to deal with prevention are beginning to be felt. I am sure we can do it better. That is why we are having these hearings.

But I appreciate your being here. I know how very busy you are, Senator Thurmond.

Senator THURMOND. Thank you.

Senator BAYH. Could I ask the first panel here, Mr. Cesar A. Perales, Dr. Larry L. Dye, Mr. John A. Calhoun and Ms. Caroline Croft to come to the witness table.

STATEMENTS OF CESAR A. PERALES, ACTING ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEW; LARRY L. DYE, DIRECTOR, YOUTH DEVELOPMENT BUREAU; JOHN A. CALHOUN, COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES; AND CAROLINE CROFT, DIRECTOR, RUNAWAY AND HOMELESS YOUTH DIVISION

Mr. PERALES. Thank you, Mr. Chairman.

Senator BAYH. I was just expressing my concern over the fact that we have 29 very important people who are capable of testifying all morning, to share their expertise with us, and we have those folks, you and others scheduled in an unacceptably short period of time, the period of time that is available to us.

I am particularly perplexed because I will have to leave after a while. But, at the risk of offending those of you who have made a special effort to be here, let me from the standpoint of time, urge you to hit the significant parts and we will put your entire statements in the record as if they had been given in total.

It is very frustrating because I don't like to operate here by capsule, particularly when there is some very deep problems that need to be analyzed yet as we go ahead to try to improve what we are doing.

Well, Mr. Secretary, why don't you start out and then we will go down the list here and move as quickly as we can.

Mr. PERALES. Mr. Chairman, I am the Acting Assistant Secretary for Human Development Services in HEW. I am presently awaiting confirmation by this body. For that reason, I have with me the people who are best acquainted with the program. On my right, is Mr. Jack Calhoun, who is the Commissioner for the Administration for Children, Youth and Families. On my left, Dr. Larry Dye, Director, Youth Development Bureau. To Mr. Calhoun's right, Ms. Caroline Croft, the Director, Runaway and Homeless Youth Division.

Senator BAYH. I think you have here a heartthrob of this whole process in the Government. I want to compliment you all. We will not disqualify Ms. Croft because she comes from this committee, as a background. That lends her to others, in my judgment.

Please proceed.

Mr. PERALES. I will just read some of the highlights of my testimony and I will submit it for the record.

Senator BAYH. Your complete statements will be included in this record at the conclusion of your oral presentation here today.

Mr. PERALES. Thank you, Senator Bayh. I would like for you to know that I have had many occasions to see firsthand the needs of runaway and homeless youth, especially in my early years as a neighborhood legal services lawyer and later as the director of the New York City agency, which among other things, administer the Juvenile Justice and Delinquency Prevention Act.

I also want you to know that this administration looks forward to working with you in developing the most effective legislation.

With this in mind, I will highlight, very briefly, the following points from my written testimony: the background, current needs, and some basic principles that we think ought to be included in any new legislation.

The Runaway Youth Act was passed originally in response to concern over the growing numbers of youth who leave home without their parents' consent.

According to a 1975 national survey, this number was more than 733,000 annually. Our experience leads us to believe that the number has remained constant over the years. What has increased since 1975, however, is the number of homeless youth, especially in the 16- and 18-year range, who have been pushed out by their own families. Our data show that nearly one-third of the youth served by our programs are in this category.

The original legislation provided for assisting States and local governments in setting up emergency shelters and in offering counseling which would, among other things, help these runaway youth return home or find another appropriate place to live.

In 1977, Congress passed amendments which expanded the scope of the legislation to include homeless youth and broadened agency eligibility for funds to coordinate networks of public and private service providers.

In fiscal year 1979, the Youth Development Bureau funded 165 projects in 48 States, as well as the District of Columbia, Puerto Rico, and Guam. Since 1977, these centers have served 116,000 young people and their families.

Further, in this same period, the national toll-free hotline, set up to provide a neutral channel of communication between youth and their families, served 240,000.

According to a national evaluation completed for the Department in March 1979, by Berkeley Planning Associates, our program, as shown through 20 representative projects studied, has proved effective and is meeting the program's legislative goals. According to the Berkeley study, the counseling provided to the youth and the family has had a lasting effect in alleviating the problems that led to the youth's leaving home.

Under current law, these projects work not only to strenghten and reunite families, when that is possible, but also to assist young people who may be involved in a wide range of interrelated problems—problems like unemployment, delinquency and status offenses, teenage pregnancy, prostitution, drug and alcohol abuse, and child abuse and neglect.

To help respond to these problems, the projects have developed close ties and cooperative arrangements with a broad range of local public and private agencies, including law enforcement, juvenile justice, education, health, welfare, social service, and employment agencies. We have strengthened this kind of coordination by requiring our grantees to show, on applying for funds, that they are able to develop workable agreements with public and private agencies in their communities. The projects studied in the Berkeley evaluation have been successful in attracting local support, including volunteer staff and public and private contribution.

The Youth Development Bureau has also awarded grants in seven States to demonstrate services for teenage prostitutes, pregnant adolescents, adolescent parents, youth from divorced or relocated families, and deinstitutionalized status offenders. The funds come from section 426 of the Social Security Act, which is also administered by HEW.

Details about these demonstration grants are included in my written statement.

The Bureau is also working to better coordinate its activities with those of other Federal agencies with complementary programs and responsibilities. One example is a cooperative agreement with the Department of Labor and Justice for a jointly funded program under which 26 runaway projects will receive youth employment demonstration grants.

We expect during the next 3 years to bring new insight into how the runaway youth program might better be integrated into the existing network of Federal and other programs now helping this group of young people and their families in crisis. This information will include the results of the demonstration projects and our experience in the cooperative arrangements noted above.

It will also include what we would anticipate learning from implementation of the amendments to the child welfare services program, contained in H.R. 3434, which was just recently agreed to by a conference committee.

Shortly we will send our 3-year reauthorization proposal for the Runaway Youth Act to the Congress. We will offer these basic principles:

Encouraging the development of new projects, rather than on continued funding under the Runaway Youth Act for existing ones;

Promoting reliance on local resources for continued support; and

Using the funds freed as a result of these efforts to insure broader geographic coverage.

Among other things, our proposed bill will require that 10 percent of the funds for fiscal year 1981 and 1982 go to new projects, and 20 percent, in fiscal year 1983, go to new projects. Our legislation would continue the limit of $100,000 for the Federal share of any one project.

We also will recommend continuing discretionary grant funding, in part to be able to respond to areas of greatest need.

Thank you very much.

Senator BAYH. Thank you, Mr. Perales. Let me ask one basic question here. You make the case that the program has reached out and served a lot of folks.

Have we kept a record, and if so, what is the record of recidivism? One of the real problems with runaways has been that the child usually doesn't run away once. They run away again and until ultimately the kind of confrontation with people out on the street or in an incarcerated situation where you take a runaway and put him in a jail cell with a prostitute or with an auto theft ring member. The next time they are changed individuals.

What has been the experience as far as recidivism is concerned?

Mr. CALHOUN. We do have records. In 1978, we saw about 30,000 youths. About 5,000 of those youths had made contact with a center at previous times. However, it is important to note that a number of youths that are making contact are coming back in prior to their actual crisis. So, they are not running away a second time, but they are making contact with us.

Senator BAYH. I am convinced on the logic and the goodness which sometimes makes more sense than some of the cold statistics. Have you kept any statistical study? Have we had groups of young people who were served versus groups of young people who were not served so we can compare the difference in the recidivism question?

Dr. DYE. No, we have not.

Mr. CALHOUN. I think that is an area, Senator, if I may interject——

Senator BAYH. Please.

Mr. CALHOUN [continuing]. That we should be looking at. I think we should be looking in two areas, thinking about both the success and the prevention aspect.

One is the area you mentioned. I think the other is looking more deeply at the causes—what precipitates running away. We do know that it is basically "familygenic"; child abuse, sexual abuse, alcoholism, and unemployment.

I think we should look at that in a more systematic way and be able to publish that material to local school systems, churches, neighborhood groups as a prevention aspect, to be able to flag difficulties in families before real trouble occurs. I think both those research areas, if you will, are categorical areas we should and will look at.

Senator BAYH. Well, are we going to look at that?

Mr. CALHOUN. There are two areas that we want to look at. We are going to have to balance this against our funding commitments, but already I have sent communication to Dr. Dye, who is head of the Bureau, to begin to design plans for the family study.

Senator BAYH. Ms. Croft, do you have any comment on it?

Ms. CROFT. I would certainly support this effort.

Senator BAYH. Do we have any better idea how the interaction between the Office of Juvenile Justice and the runaway youth programing can coordinate together?

Obviously, when a youngster runs away, there is a breakdown somewhere. More often than not, it is a family breakdown or a problem in the home that is unattended.

Have we learned anything to teach us how we can use other institutions, not to replace the family, but to alert us to weaknesses that might exist in a given family so we can provide that family help or the child help before they run away?

What have we learned as far as using the church or schools as a screening function or as an early warning system?

Mr. CALHOUN. I think really you are asking two questions, Senator. One is the coordination with the Department of Justice and there exists the Coordinating Council that is chaired by the Attorney General. The Council has met on several occasions, and a number of agencies are involved in an effort to do just what your question implies, to begin to pool knowledge as well as resources. HEW has contributed money. We are together designing some joint projects.

For the second part of your question, we are really doing two things; one is more technical assistance to programs. It is my belief that we should be using natural mechanisms as much as possible, such as neighborhood centers, health organizations, schools, and attempting to strengthen families.

A subpoint of that would be the research we want to do such as looking at what families of runaway youth look like, and to get that information in a consistent form and disseminate it. This would really provide us with an early warning system.

Senator BAYH. What concerns me, Mr. Calhoun, is that I think we already have an early warning system. Most of those youngsters are in school someplace. Most classroom teachers have the capacity to say, "Johnny or Suzy is going to be in trouble." They don't know what kind of trouble, and they are too busy or not professionally trained sufficiently, or a combination of both, to really deal with a non-classroom-created problem.

We do not have the capacity then to spin that responsibility off with someone outside.

It isn't always the case that there is nobody there to help. We have a lot of various service-related agencies, either public or private.

We had Ms. Freeman of the Girl Scouts. We had a number of social welfare leagues and all sorts of things that are there to do the job and are sensitive, pretty well qualified to do the job if they can find out about this youngster.

Now we have the Coordinating Council there. That, by statute and by inclination, gets folks together at the top; but it seems to me what we have to do, after we have decided we are going to coordinate at the top, is to get the folks out in the field to coordinate.

Too often, there is a fighting over turf.

Mr. CALHOUN. Right.

Senator BAYH. You know, if you comingle resources or if you get involved in this, you are going to have less clout or budget at the local level.

What can we do really to pull the services together that we have and put them in conjunction with, and communication with, the problems that we have?

Mr. PERALES. There are a couple of things that we are already doing. We have funded, for example, programs in YMCA's and organized by the Scouts; but I think perhaps more importantly is that we now require, as a condition of funding, that the grantees show us that they have developed arrangements in the community with the types of existing resources that you have just described.

Maybe Larry Dye could tell you some of the programs that we already funded, like, the Scouts.

Dr. DYE. Most of the programs that are funded at the local level are through local community-based organizations. They are tied into local funding sources, for instance, United Way resources, foundations, municipal funds, schools, and other resources at the local level. We give grants to those private organizations that have established strength in the community, that have developed links for services to young people in the community.

Senator BAYH. What percentage of numbers are given to private agencies compared to public agencies?

Dr. DYE. The majority of our grants for runaway youth programs are to private agencies.

Senator BAYH. I am glad to hear that. What we were hoping to be able to do when we first drafted that act was to be able to take advantage of those nongovernment agencies and private groups, volunteer groups and others so that we wouldn't have to bureaucratize the runaway programing.

Well, are we doing anything specifically? I hate to keep harping on this, but you know, one of the things we have tried to do is prevent juvenile crime. It seems from what you all said that we have been at least partially successful and we deal with things in a way that keeps them from getting worse maybe before the fact, keep something from happening.

The one screening mechanism that most of our children go through is the grade school. A lot of them do not go through high school, unfortunately. We have most of them in that grade school situation.

Do we have a program specifically designed to work with State boards of education, State departments of instruction, county or city school boards?

Do we have a mechanism which will require or can create an incentive for the school itself to be structured in such a way that the teacher, the classroom teacher is alerted that there is outside help and that instead of just sending the kid to the principal's office or making him or her stand in the corner or stay after school, that there is also a trigger mechanism that goes to either somebody who is in the schoolroom or somebody in a youth service bureau outside that can then call the home, talk to the child?

Do we have anything really zeroing in on that area?

Dr. DYE. We do have a number of programs that have exemplary projects like that. In San Francisco, for example, we have one program which has a van that goes out and does counseling in local classrooms and schoolyards. They make themselves available to the schools.

These programs are small and community based, yet, as they get established in their communities with additional resources which they have been able to acquire, they are trying to do as much outreach as possible. All of the programs have an outreach component. Most of them do reach to the schools as most of them reach with other social service agencies.

It really is an issue of the resources availability.

Senator BAYH. Let me ask you this. We have elementary and secondary education funds going into almost every schoolroom in America. We have service delivery mechanisms in almost every community in America; some good, some bad.

Would it make any sense—talking about a carrot-stick situation. They already have the carrot; they are getting the funds. Maybe it is a little late to require the prerequisite to getting further funding that they have such a mechanism, but each schoolroom in America has somebody, Ms. Brown, Mr. Black, whoever it is, that is in charge of listening to those warnings or those screenings or whatever you might call it, that come from the classroom teachers, and the teachers are advised in advance that they should be prepared to do this.

That person then has the kind of coordination with the various youth service delivery mechanisms in a community that we now have at the Cabinet level.

Mr. CALHOUN. Senator, I would respond in two ways. We obviously do not control education funds, but I think it is entirely consonant with our requirement on grantees to have them link up with other agencies, that is, that one of the requirements very specifically be the tie with the school system. I think that can be both in terms of showing themselves as an available resource, and to say to the teachers, the teachers who are there, that these are early warning signs of kids who may be on the verge of running away. So, I think that is one very definite thing that we can do.

Second, I think we can begin to explore, with the new Department of Education, some demonstration programs in this area. I think it is an excellent idea.

Senator Bayh. Well, could you give some attention to that? I hate to be a gadfly in the educational process, because I have always been a strong supporter, and am, to these fundings.

I wish we could provide more rather than less. I don't think that is an unreasonable requirement. The problem is not that your folks don't communicate with the school systems as I would imagine it, in the local level. It is sort of like the tail telling the dog what to do, because the kind of resources and the kind of funding services that you have available are relatively insignificant compared to the major funding that is available in public education.

I am not faulting that. I would like to get some more money in that educational system. But if we can require those folks to do a little initiating, as well as responding.

You folks said check in with the superintendent of schools. The question is, does that superintendent of schools check in with third grade in the Meadow Brook School?

So, could you give some thought to how we could really make that work?

Mr. Calhoun. We certainly can, Senator. The thing we do have is information. That information I think should be disseminated at least on a minimal level to the public school systems. Here are the type of kids we have. Here are the early warning signs. Here is the resource. I think at a minimum, we can do that.

I think your suggestion is an excellent one. I will commit myself to opening negotiations with the new Department of Education.

Senator Bayh. Thank you very much. I appreciate what you are doing and sharing that with us here this morning.

Thank you.

Mr. Perales. Thank you, Senator Bayh.

Dr. Dye. Thank you, Senator.

Ms. Croft. Thank you, Senator.

Mr. Calhoun. Thank you, Senator.

[Mr. Perales' prepared statement follows:]

Prepared Statement of Cesar A. Perales

Mr. Chairman and members of the subcommittee, I am Cesar A. Perales and I am awaiting Senate confirmation on my nomination as Assistant Secretary for Human Development Services in the Department of Health, Education and Welfare.

Thank you for the opportunity to meet with you today to discuss the Runaway Youth Act as authorized by title III of the Juvenile Justice and Delinquency Prevention Act of 1974, but more important, to discuss the needs of the youth this act is designed to serve.

I want you to know that I have had many occasions to see firsthand the needs of runaway and homeless youth, most recently as the Department's principal regional official for region II, but even more so in my earlier years as a legal services lawyer among the poor and later as the director of the New York City agency in which I, among other things, administered the 1974 legislation.

As I will indicate in my testimony today, this administration shares this subcommittee's continuing and evident interest in meeting the needs of an extremely vulnerable portion of our Nation's youth. We look forward to working with you in developing the best approach and in drafting the most effective legislation.

With this in mind, I wish to discuss, very briefly, the following points:

The background and goals of the Runaway Youth Act;

The current needs of runaway and homeless youth;

How, and with what results, our program is being administered; and

Some basic principles which we feel should be included in legislation to extend the program.

BACKGROUND

The Runaway Youth Act was passed originally in response to concern over the growing numbers of youth who leave home without their parent's consent. According to a 1975 national survey, this number was more than 733,000 annually. Our experience leads us to believe that the number of runaways has remained constant over the years. What has increased, since 1975, however, is the number of homeless youth, especially in the 16–18 year range, who have been pushed out by their own families. Our data, for example, show that nearly one-third of the youth served by our programs are in this category.

Whether runaway or throwaway, these young people are in vulnerable situations and subject to exploitation and social dangers.

The original legislation in 1974 provided for assisting States and local governments in setting up emergency shelters and in offering counseling which would, among other things, help these runaway youth return home or find another appropriate place to live.

In 1977 Congress passed amendments which expanded the scope of the legislation to include homeless youth and broadened agency eligibility for funds to coordinate networks of public and private service providers.

Both runaway and homeless youth have enormous needs. They not only need a place to live, but they often also need employment opportunities, legal advice, counseling and a wide variety of other services.

PROGRAM ADMINISTRATION

In fiscal year 1979, the Youth Development Bureau, in HEW's Office of Human Development Services, funded 165 projects in 48 States, as well as the District of Columbia, Puerto Rico, and Guam.

Since 1977, these centers have served 116,000 young people and their families. Further, in this same period, the national toll-free hotline, set up to provide a neutral channel of communication between youth and their families, served 240,000 youth.

According to a national evaluation completed for the Department in March 1979 by Berkeley Planning Associates, our program, as shown through 20 representative projects studied, has proved effective and is meeting the program's legislative goals. According to the Berkeley study, the counseling provided to the youth and the family has had a lasting effect in alleviating the problems that led to the youth's leaving home.

At the same time, the projects have broadened their activities in order to provide more effective help to the youths who come to them, including a significant number of homeless youths who are not runaways.

Under current law, these projects work not only to strengthen and reunite families, when that is possible, but also to assist young people who may be involved in a wide range of interrelated problems—problems like unemployment, delinquency and status offenses, teenage pregnancy, prostitution, drug and alcohol abuse, and child abuse and neglect.

In order to help respond to these problems, the projects have developed close ties and cooperative arrangements with a broad range of local public and private agencies, including law enforcement, juvenile justice education, health, welfare, social service and employment agencies.

Our programs in Michigan, Ohio, Massachusetts, Louisiana—just to mention a few—have been able to bring many other organizations into the process of providing services to runaway and homeless youth.

We have strengthened this kind of coordination by requiring our grantees to show, on applying for funds, that they are able to develop workable agreements with public and private agencies in their communities.

Projects have also shown success in using Federal funding as a magnet to attract local support, most notably the donated labor of volunteer staff. According to the national evaluation report, the average Runaway Youth Act grant of the projects studied was $67,000, while the average annual operating budget was $146,000. Thps, more than half of the resources to keep these projects going came from local private contributions and State and local funds.

We believe this is especially noteworthy in light of the fact that many of the young people served come from outside the local jurisdiction.

The Youth Development Bureau has been exploring ways of improving services to meet the needs of youth and families in crisis by linking and broadening services. To do this, the Bureau has awarded grants in seven States for demonstration projects focused on providing services directed towards certain youths, including teenage prostitutes, pregnant adolescents, adolescent parents, youth from divorced or relocated families, and deinstitutionalized status offenders. Funds for these projects are not from the appropriation for runaway youth but come from funds under research and demonstration, section 426 of the Social Security Act. Here we are pulling together resources in order to broaden our knowledge about these youth.

The seven youth demonstration grants, the target populations that they are serving, and the services they are providing include the following:

The Bridge, Inc.: Boston, Massachusetts: Home front is an alternative family living center for alienated, pregnant adolescents. The program is designed to re-educate, train, and support these young women from pregnancy into parenthood through a nonresidential "community" providing comprehensive information, support, and recreation services on a daily basis as well as medical assistance prior to, during, and after childbirth.

Crosswinds, Inc.: Merrit Island, Florida: Horizon House, a short-term residential facility, is designed to address the needs of dependent youth affected by revisions in the Florida juvenile justice laws mandating the deinstitutionalization of status offenders. The services that are provided—counseling, social skills development, and other supportive services—are designed to assist the youth to be able to live independently.

The Bridge for Runaway Youth, Inc.: Minneapolis, Minnesota: The Bridge is designed to address the needs of female adolescents involved in prostitution. It provides positive role models, a safe living environment and supportive services designed to improve self-perceptions and interpersonal relationships. The end objective of these services is to increase the residents' awareness of alternatives to prostitution and to provide the skills required to take advantage of these alternatives.

The Center for Youth Services, Inc.: Rochester, New York: The families in transition project is designed to support the positive development of youth who are experiencing transitions in their families due to divorce or relocation; and to raise community awareness of the frequency and dynamics of family transition and its effects on youth and their families. Peer support groups are being established within both a high school and a community setting designed to provide mutual assistance to youth in dealing with family issues. Additionally, videotapes are being developed (by youth) designed to share the experiences of youth related to family transition.

Voyage House, Inc.: Philadelphia, Pennsylvania: The life skills resource center provides remedial academic assistance, life skills training, and counseling designed to increase the ability of youth to function effectively in everyday life. The tutorial and other approaches that are employed draw upon materials which are basic to everyone's life—e.g., newspapers, leases, job applications—in order to increase academic proficiency while, at the same time, providing training in basic life skills.

Iowa Runaway Service: Des Moines, Iowa: The demonstration component seeks to foster the development of a statewide youth network as well as to fill existing gaps in the delivery of services to youth. The service components are being provided through three runaway projects located in different sections of the state. The services being provided by the Iowa Runaway Service in Des Moines include the development of foster care placement in adjacent rural communities in order to provide shelter to youth in crisis within or near to their home communities, and the conduct of workshops for youth in Des Moines in cooperation with other youth-serving agencies. Total Awareness, located in Council Bluffs, is providing after-care services to youth and their families, and Foundation II in Cedar Rapids has established a home-based family counseling program.

Interface Community, Inc.: Newbury Park, California: The demonstration component is designed to provide counseling as well as skill development assistance in decisionmaking, self-responsibility, and self-reliance to three youth target populations: (1) 16 to 18 year old youths who require assistance in living independently; (2) abused and neglected youth aged 10 to 18 who are in need of survival skills and supportive assistance in order to remain in their own homes; and (3) adolescent parents who require training in parenting, independent living, and related areas.

The Bureau is also working to better coordinate its activities with those of other Federal agencies with complementary programs and responsibilities. These activities include:

A joint effort with the day care division, within the administration on children, youth, and families, involving 10 runaway centers to analyze and disseminate information on day care models for meeting the before and after school needs of older youth.

Closer coordination among the runaway youth programs, the social services program under title XX of the Social Security Act, and the child welfare services program under title IV-B of that act. This is being done through a grant with the State of Ohio.

A project with the National Center on Child Abuse and Neglect and the National Institute of Mental Health (NIMH) to analyze and disseminate, among, title III grantees, information on adolescent abuse and neglect, and on effective treatment.

An agreement with the National Institute on Drug Abuse (NIDA) to use runaway centers for disseminating information on drug abuse.

A cooperative agreement with the Departments of Labor and Justice for a jointly funded program under which 23 runaway projects will serve as youth employment demonstration grants.

We expect during the next three years to obtain new information which will give us greater insight into how the runaway youth program might better be integrated into the existing network of Federal and other programs now helping this group of young people and their famiiles in crisis. This information will include the results of the demonstration projects and our experience in the cooperative arrangements noted above. It will also include what we would anticipate learning from implementation of the amendments to the child welfare services program, contained in H.R. 3434, which was just recently agreed to by a conference committee.

CONSIDERATIONS FOR REAUTHORIZATION

Shortly we will send our three-year reauthorization proposal for the Runaway Youth Act to the Congress.

We believe a number of basic principles need to be incorporated in the act:

Primary emphasis should be placed on the development of new projects, rather than on continued funding under the Runaway Youth Act for existing ones;

Projects should reduce their dependence on Runaway Youth Act funding and strengthen their ties with other community-level human services programs;

Projects should rely to the greatest extent possible on local resources to achieve continued support and viability, and

Funds freed as a result of the above efforts should be used to ensure broader geographic coverage, by funding the start up costs of new programs in under-served areas around the country.

We believe that these principles will assist in spreading the benefits of the runaway youth centers to youths in a wider geographic area and provide services in presently unserved sections of the country. Further, we believe that encouraging increased local support will enhance the value of the programs, as well as make it possible to serve more youth in crisis with limited resources.

Toward that end our proposed bill will:

Reauthorize the Runaway Youth Act for three years;

Fund no new project for more than three years;

Require that 10 percent of the funds appropriated for fiscal year 1981 and 1982 be allocated for new projects and 20 percent in fiscal year 1983;

Require that the non-Federal share be in cash;

Place a limit of $100,000 for Federal share of any one project; and

Change the matching rate so that the maximum Federal match is 90 percent rather than require a 90 percent Federal contribution.

COMMENTS ON S. 2441

We recognize that the introduction of S. 2441 is another indication of your strong interest in this program and we are pleased by your continuing support. However, we would urge you instead to consider and report out the administration's proposals which I have outlined. Specifically, however, we support the following provisions of S. 2441:

Amending the act to include homeless youth both in the title and in the substance of the bill;

Providing explicit authority for grants for the national communication system.

However, we do oppose the following provision of S. 2441:

Extending the program for five years and continuing the authorization for $25M for fiscal years 1981, 1982, and 1983; and increasing the authorization for $30M for fiscal year 1984 and fiscal year 1985, we recommend instead a three-year extension, consistent with our proposal to fund projects for up to three years, with an authorization of $11M for 1981. This reflects the administrations' budget request. We also request "such sums" authorizations for the two subsequent years.

CONCLUSION

Finally, let me express my thanks to you, Mr. Chairman, and the members of the subcommittee, for your continuing interest in meeting the needs of runaway and homeless youth. As I have indicated, the administration shares that interest. We hope that, with your help, we will be able to move forward and serve these young people in increasingly effective ways. We urge you to act favorably on the administration's proposals which I have outlined for extension and amendment of the Runaway Act.

Thank you for inviting me to testify, Mr. Chairman. I will be pleased to respond to any questions you and the other members of the subcommittee may have.

Senator BAYH. Could I ask that we have Bonnie Strycker of the Youth Service Bureau of South Bend; Kenneth Wooden, director of the National Coalition of Juvenile Justice; Mara Lozier, Children's Express magazine reporter; and Robert Clampitt, publisher of the Children's Express magazine, come forward.

TESTIMONY OF BONNIE STRYCKER DIRECTOR, YOUTH SERVICE BUREAU, SOUTH BEND, IND.; KENNETH WOODEN, DIRECTOR, NATIONAL COALITION OF JUVENILE JUSTICE; MARA LOZIER, CHILDREN'S EXPRESS REPORTER; AND ROBERT CLAMPITT, CHILDREN'S EXPRESS PUBLISHER, NEW YORK, N.Y.

Senator BAYH. Ms. Strycker, could you proceed, and then we will have Ms. Lozier and Mr. Clampitt and then let Mr. Wooden be the cleanup hitter here.

Mr. STRYCKER. Thank you. Good morning, Mr. Chairman.

I appreciate this opportunity to speak in favor of Senate bill 2441. I am Bonnie C. Strycker. I am the executive director of the South Bend, Ind., Youth Service Bureau.

The bureau itself opened in 1972. It is a bureau of the city of South Bend.

We offer a number of programs to young people. Our runaway shelter project opened in 1976, funded by the Runaway Youth Act.

Since opening, the runaway shelter has served 600 young people. Aside from room and board, we provide individual, group, and family counseling, educational programs, recreation, and employment. We also provide services through referral with other agencies.

I am very encouraged by the provisions of the Runaway and Homeless Youth Act. The inclusion of homeless youth accurately reflects the increased numbers of young people who, while not technically runaways, are in need of services.

I am heartened by the increased funding allocation. This will enable funding for shelter facilities where none currently exist.

I would encourage the Congress also to provide continued funding and funding increases for those shelters currently funded.

Our shelter receives $52,500 annually in Federal funds, which translates into a daily average cost per youth of $24. That is the cost to the Federal Government.

Increased funds are necessary to meet the minimum standards of the Runaway Youth Act as it is currently written.

The young people we serve need well qualified counselors. These counselors are difficult to find and more difficult to keep on the kinds of salaries we can pay.

If our shelter does not continue receiving Federal support, it would seriously jeopardize our program and could force its closing.

In conclusion, I would like to compliment the Department of Health and Human Services and its Youth Development Bureau for its administration of the Runaway Youth Act.

On behalf of the city of South Bend, Ind., and the youth-serving community of Indiana, I would like to thank you, Senator Bayh, and this committee, for your leadership and interest in young people.

I appreciate this opportunity to share the Youth Service Bureau runaway shelter program and to comment on the proposed Runaway and Homeless Youth Act.

Senator BAYH. Ms. Strycker, I appreciate your being here and your testimony, plus the kind of invaluable service that you provide in the South Bend and St. Joseph County community.

What about the recidivism question? Have you been able to make an assessment of whether, by reaching people through your service, you are able to deal with the problem at a time you can minimize it or prevent it or keep it from recurring time and time again?

Ms. STRYCKER. I don't have any kind of percentages and figures, but because of the kinds of services through the Youth Service Bureau, we are able to go into the schools and work with the very age group you discussed earlier.

We found that the only way to possibly get at the whole business of ending recurring runaway episodes is by working with the entire family.

There is no way that our shelter can provide services only to the young person and return that young person home. It is very important that we provide crisis family therapy as well as ongoing family therapy because, when a young person runs away, there is clearly a family problem. Those problems just don't change within the 15 days or so.

Senator BAYH. Do we have, in South Bend, a crisis delivery mechanism for families in trouble?

Ms. STRYCKER. Well, I think we have some semblance of that. I think we are able to respond. Our Youth Service Bureau has a very good relationship with the South Bend police department. In terms of family fights where young people may need to leave home for a period of time, the police are aware of our shelter. They are aware of the Women's Shelter, which provides services for battered women and shelter care facilities for children.

In terms of ongoing counseling, once the crisis is over, we really don't. We have a mental health center. We have several private therapists, but we don't have a total delivery service.

Senator BAYH. I know that the South Bend community is a very sensitive community. Your folks there that work officially through the youth service bureau are sensitive. We have a mayor there who comes out of the community there of service delivery.

Ms. STRYCKER. Yes.

Senator BAYH. Could you help this committee—it doesn't necessarily have to be a bureau or the county commissioners or the city council. You have a lot of church folks there, volunteer organizations. You have the YMCA and YWCA, the Scouts, and the Catholic charities.

Could you give some thought and talk to some of the folks there about what we can do? There are a lot of communities like South Bend that have the heart and probably have the resources out there in a nonorganized way. It is one thing for the police to call and say that a wife is being beaten up. I know the extra work some of you have been doing there as far as the battered wives are concerned, but then it is just indispensable, as you get the wife out of the home temporarily, to crank in the mental health services so we can deal with the basic problem, whether it is alcoholism or other kinds of problems. Could you give some thought to how we could do that?

Ms. STRYCKER. Yes. I think your suggestion is timely. We are having our first meeting of the community network of youth services tomorrow, which involves some of the kinds of people you mentioned.

We are hoping that with all the cases that we see in St. Joseph's County, individual agencies will be identified to take the lead and walk people through systems so people do not get lost.

Senator BAYH. I would appreciate that, if you could. If you get back to me, I would appreciate it.

Ms. STRYCKER. Yes.

Senator BAYH. Ms. Lozier. Mara, good to see you. I appreciate your being here.

Ms. LOZIER. Before Bob and I start testimony, we at Children's Express would like to present you with this T-shirt. It is kind of small. [Laughter.]

It is a token of appreciation for your work with children.

Senator BAYH. Why don't you bring it up here and take a look at it.

[Senator Bayh is presented with T-shirt.]

[Applause.]

Senator BAYH. Thank you. This is the inflation-fighting budget. [Laughter.]

Thank you.

TESTIMONY OF ROBERT CLAMPITT

Mr. CLAMPITT. Senator, if I may, I would like to commence our joint testimony.

I am Robert Clampitt, publisher of Children's Express magazine. I would like to formally introduce Mara Lozier of South Orange, N.J., who is both a reporter for Children's Express and was the hearing examiner at our national hearings on incarcerated children.

She is a 3-year veteran at Children's Express, at the age of 12.

We are here to talk about the youth advocacy aspects of Children's Express in particular, but we would also like to join in expressing our really deep appreciation to you, Senator, for your continued work on behalf of children.

I also want to express my appreciation to the New Jersey Citizens' Advocacy Network and the National Council on Crime and Delinquency for assisting in making the trip possible.

On March 28 through 30, 1978, there was a remarkable event here in Washington, the Children's Express hearings on incarcerated children. Funded by OJJDP, under John Rector, the New Lound Foundation of New York City, and the National Office for Social Responsibility, the hearings were sponsored by the National Coalition for Children's Justice, the Children's Cultural Foundation, and the Children's Embassy of the Day Care Council.

They took place over a 3-day period and called witnesses from all over America, including psychiatrists, doctors, police officers, experts on human behavior, child advocates, and formerly incarcerated children.

The hearings were presided over by Children's Express hearing examiners who ranged in age from 10 to 13 years old.

The hearings grew out of an interview with our friend, Ken Wooden, author of the very moving book, "Weeping in the Playtime of Others."

In the course of that interview, Children's Express reporters heard the chilling story of America's incarcerated children. They were profoundly moved.

They wanted to know what they could do, how they could help. From the dialog that followed that interview, the hearings grew.

From the hearings, the proposition of the child as advocate also grew.

I want to report on some of the effects of the hearings, but before I do, I would like to turn to Mara, who was a hearing examiner at the national hearings at the age of 10 years old, and who has prepared testimony for you, Mr. Chairman.

Senator BAYH. Thank you.

Mara?

TESTIMONY OF MARA LOZIER

Ms. LOZIER. Good morning. I am Mara Lozier. I represent Children's Express.

For the last 2 years, a small group of us have been studying child abuse and incarceration. We have conducted hearings on two occasions, and the information that I am going to give you this morning is gathered from my experiences as a hearing examiner.

The first hearing that we conducted was in April 1978, at the Children's Embassy here in Washington, D.C.

The second one was held in December 1979, at the New York Chamber of Commerce, in New York City.

The Washington hearings were supported and funded by the Office of Juvenile Justice and Delinquency Prevention.

During the hearings, I listened to young witnesses telling about their experiences as incarcerated children.

I also heard testimony from such experts as Dr. James Prescott, who is the health and science administrator for National Institute of Child Health and Human Development, National Institute of Health, Senator George McGovern, and Dr. Edward Kaufman, who is the associate clinical professor of psychiatry at the University of California.

Our principal concern during the Washington hearings was the status offender. It is he who seems to stay in care the longest, since he has more than likely been given an indeterminate sentence.

Some of the testimony was incredibly horrifying and shocking to me, and I am sure, if enough people were aware of the current abuses of children's rights, some important changes would come about.

I am supporting the reauthorization of the Juvenile Justice Act and the Runaway and Homeless Youth Act.

I will first give a brief outline of what we have found and then I will try to answer any questions.

First, I would like to speak about solitary confinement, that is, locking a person in a room with four bare walls.

The room typically might have only a mattress or a window and would rarely include a toilet. Perhaps in place of a toilet there would be an old coffee can or a hole in the floor. They rarely have lights because a light cord could easily be used by a child to hang himself. They are hot in summer and cold in winter.

Children are placed there in their pajamas or underwear. Reasons for placing them in solitary confinement range from tearing a tag out of jeans or writing, "I love you," to a teacher, to attempted suicide. None are justifiable.

The activities in solitary consist of eating a scanty meal of bread and water or something similar which is pushed under the door administered by a guard, sleeping, dreaming or just staring at the four walls.

In laboratory tests, scientists put mice in confined spaces like solitary confinement and took them out days later. After their confinement, the experimental mice could not adjust to their normal lives or to the mice around them.

Administrators of institutions have no qualms about this sort of treatment of children, however. Solitary confinement is an easy answer for administrators. It is inexpensive since no psychiatric help is involved in its authorization.

Suicide is too often committed in the cells by light cords or twisted sheets if the cells are equipped with them. One child even decided to eat broken glass.

In 1978, we had testimony from a girl who had been in solitary confinement for 50 days. She was asked if there was suicide among her friends at the institution. She replied, "Well, there was a girl who tried suicide and got put in isolation for it. While I was in isolation there was another girl who tried to set herself on fire and they put her in isolation for that." There was another girl who tried to hang herself, so they took her bed away.

In his book, "Weeping in the Playtime of Others," Ken Wooden states that one boy scratched, on the thick wire glass window, the message: "As you are, I was once. As I am, you will be." Then he climbed to the upper bunk, pushed his bed out from the wall so his legs could hang over, placed his head under the arched safety bar, and violently flipped his body over the bed, breaking his neck.

It was necessary to cut off the bar to remove the boy's body.

Many other cases, some of which are not so tragic, but many which are, have never been reported. Suicide over the last decade has increased by 200 percent among children aged 14 to 19, and is now the second highest cause for death in Americans aged 15 to 24.

I have a poem which was written by a girl in solitary confinement, in Illinois, right before her suicide:

> There is a crack in the Earth
> And I have fallen in.
> Down in the darkness where I have never been.
> People are looking, staring at me;
> I lie here and wonder what do they see?
> Shall I be here forever?
> I cannot climb back
> Rotting and dying in this horrible crack.
> Am I alive or am I dead?
> Oh God, who will save me
> From this crack in my head?

Physical abuse is another common practice at many institutions. Beatings or strenuous work are dealt out most mercilessly. The beatings are done with a belt, stick, or wooden paddle about 2 inches thick.

The strenuous exercise may consist of being changed by guards on horsebacks, being made to wash a dormitory door with a toothbrush, or other similar chores.

Through the hearings I learned that when adults enter a mental hospital, reformatory, or other such institutions, he is examined and evaluated and given correct medication, if that is indicated.

This is not so in the case of juveniles. On arrival, common admission practice includes a physical examination, clothes confiscation, shower, and a 25-milligram dose of thorazene.

Dr. Edward Kaufman testified in 1978 that one institution in New York State will increase that original dose by one half again, and more will come if the staff feels it necessary.

Massive doses are given instead of therapeutic help. Thorazene is the most common drug used, but many others are prominent.

In his book, Ken Wooden calls thorazene "the new solitary confinement."

In some ways, drug abuse is much worse than the old solitary confinement. In the old way, one might maintain control of his mind.

When we absorb all this, we tend to say, "Well, it is awful, but the people on the receiving end of the awfulness are pretty bad, too." That is not necessarily so.

In 1971, 56.4 percent of all incarcerated children were status offenders.

Of the remaining 43.6 percent, well under 10 percent are violent criminals. That is a terrible injustice. This injustice is widespread, too. We aren't discussing one small area. We are discussing a situation that has spread all around the country.

Although some progress is being made, children everywhere need help. It is up to us to provide that help.

Thank you.

Senator Bayh. Thank you.

Mr. Clampitt. Senator, if I may just conclude, and then perhaps we could both respond, if you have any questions.

Senator Bayh. Yes.

Mr. Clampitt. The purpose of the Washington hearings on incarcerated children was certainly to spread information to the general public. We wanted to inform America about these conditions and, as a matter of fact, in that way, the hearings were very successful. They were covered by all three networks and by WNET, here in Washington. An edited version was shown all over America. The hearings were also covered by something like 10 major news bureaus, including the New York Times and the Washington Post.

Our own teenage editors did a videotape of those hearings, which they edited down to 1 hour and which has been shown in many parts of the country. It is now incorporated as a part of the juvenile advocacy course at Temple University in Philadelphia.

It has also been shown all over the country and the children themselves have addressed many audiences, including the plenary session of the National Child Abuse Conference at the Annanberg School, University of Pennsylvania. They also addressed 500 Methodist women about 4 months ago in Philadelphia. Those women were in the process of allocating a budget of $14 million.

So the followup to those hearings has been a constant addressing of the subject that you have so faithfully addressed yourself to over the past years by the children as spokespersons for other children.

Of course, we want to state the case for the child as advocate. We think that the youth initiative projects are especially valuable within the legislation.

I have personally experienced the extraordinary way in which children are moved by the plight of other children as we went through the camps in Thailand and Cambodia with two of our reporters, and also with respect to the hearings on incarcerated children.

I would just like to say one thing about the administration of the act, in concluding; that is, that I was deeply disappointed to see the drying up of the unsolicited grant aspects of the legislation.

It seemed to me that some of the most creative programs that were funded under Mr. Rector's administration were in that category. As I understand it, that is no longer a part of the administrative apparatus. We feel affected by that and deeply disappointed.

Thank you.

Senator Bayh. Thank you, Mr. Clampitt, and Ms. Lozier.

You are 12 years old?

Ms. Lozier. Yes.

Senator Bayh. Mr. Wooden, it is good to see you again.

Mr. Wooden. Thank you, Senator.

Senator Bayh. Mr. Wooden is no stranger before this committee. I consider him a valiant ally of this committee in its efforts to try to prevent juvenile delinquency and save young people from a lifetime of waste.

I also call him a good friend personally. It is good to have you with us.

TESTIMONY OF KENNETH WOODEN

Mr. Wooden. Thank you.

It was reassuring to see you accept that shirt. I assume now that you are part of the news media, Senator Bayh. If so, we will all be enriched.

I would like to share with you a few insights as you expand your activity and work to improve conditions affecting children.

First, may I read to you a very short poem. This poem was written by one of 300 children murdered in Jonestown, Guyana. His name was David Chaiken, he was 15. He wrote,

> I walked down a very lonely street.
> There was no one there.
> Just stillness and the lonely street.
> The wind whistled there.
> I was lost, I know.

The key sentence here is, "There was no one there." Senator Bayh, for a lot of kids it is really profoundly beautiful that you are there. There are few people in this country who care about children, and I know that those children, if they could speak for themselves, would say, "Thank you."

Also there are few people looking at what I call "a growing trend toward commercial jails" in America. While we have been successful in taking children out of a number of public jails, there is a mushrooming of greed merchants who are setting up and expanding their "Colonel Sanders" operations.

The moneys they are receiving come mainly from Federal and State grants. The Federal pots of money come from the Labor Department and from OJJDP and HEW. They add up to as high as $50,000 per kid, per year.

It is becoming so lucrative that one bank in Providence, R.I., bought an institution from which it realizes $55,000 per kid, per year. This same bank allots $100 per week to feed 10 kids and a house parent.

I am seeing, Senator Bayh, a trend where the money is being used not to improve the quality of care for children, but to expand real estate investments. These greed merchants are buying land and buildings. They are realizing vast wealth as they expand their operations into other States.

They are buying deserted Catholic hospitals, convents, seminaries, ideal because they are isolated from the public. As private facilities, they are also protected from the scrutiny of the news media.

There was one operation in Arizona, called the Circle S Ranch. I would like to leave with your committee several dozen affidavits, a litany of horror documenting beatings, death, suicide, and a bizarre, Freudian-type therapy where young men were forced to simulate having sex on a pillow, with their mothers.

This facility was in business for 20 years, during which time children from California were being shipped there.

They were put out of business—I am happy to report they are out of business—by professional team effort, what I call a health enforcement team, made up of a physician, lawyer, CPA, reporter, and a nurse.

This team went into the place unannounced and creamed them. The facility could not defend its actions of the last 20 years.

I believe you will find it very disturbing to read the affidavits of people, now 32 and 33 years old, describing their existence in this hell hole when they were youngsters.

I would like to make a suggestion to your staff. Would it not be possible for the AGO to do an audit on these profitmaking, high tuition rate facilities, to see exactly what moneys are going into real estate investments and expansions and what is going into the quality of care for children.

Also, I am impressed how these operations acn afford the legal fees for hiring lawyers to intimidate critics like me and other child advocates. They appear to have unlimited money to file lawsuits and hire lawyers to defend their actions.

Would it not be possible for children in these institutions to enjoy the same quality of legal care as the owners of these facilities?

Allow me to state publicly here, not only am I finding kids in these commercial jails, Senator Bayh, but in my own State of Pennsylvania, as well as Virginia and Minnesota, status offenders are being placed in mental hospitals.

Disturbingly, in the State of Pennsylvania, children can be found in the wards of mental hospitals with adult men, yet the head of the Pennsylvania Health Department, justifying their actions in a memo, said, "In no way will this hurt the children being placed with mentally disturbed adults."

Senator BAYH. Do you have that document?

Mr. WOODEN. Yes. I will gladly make that document available to your subcommittee, along with these affidavits and other materials I am finding, because I know that you will do something about it.

Thank you, Senator Bayh.

Senator BAYH. Again, we are in your debt. I don't know anybody who has done more really to put the Nation's consciousness to this problem: your book, "Weeping in the Playtime of Others," and your CBS contribution.

Here is really a communications problem to a great extent, I think. I cannot believe that more than a very small percentage of the people of our country would support this kind of exportation of grief, even in the States where it is practiced. I would be willing to wager that the big majority of the people in the State do not understand.

So, if we can lay it out on the record here, the fact that one of our States, perhaps other States have people who are charged to fulfill their responsibility of providing services to young people, totally ignore the fact that the service makes the matter worse.

If you could get us a list and affidavits or expanded list of targets of opportunity—I don't want to go on a witch hunt, but I certainly have no hesitancy asking the Attorney General or the Government Accounting Office or some other investigatory arm of our Congress or Government to take a good hard look at these people who now are profiteering out of the misery of others, off the misery of others.

Well, I really appreciate your all being here. I wish we had more time to pursue this, but all the statements will be put in the record.

We want to keep working at this. We appreciate what you all are doing out in the field to make it possible for our work to reach them.

Ms. LOZIER. Thank you, Senator Bayh.

Mr. WOODEN. Thank you, Senator.

Mr. CLAMPITT. Thank you, Senator Bayh.

Ms. STRYCKER. Thank you, sir.

[The prepared statement of Ms. Strycker and material for the record from Mr. Wooden follow:]

PREPARED STATEMENT OF BONNIE STRYCKER

Members of the Committee, I am Bonnie C. Strycker, Executive Director of the South Bend Youth Service Bureau. Our offices are located in South Bend, St. Joseph County, Indiana. St. Joseph County is located in the northwestern part of the State. The County's population is approximately 245,000. As of the 1970 census, figures indicated an 88 percent white, 11 percent black, and 1 percent Spanish population breakdown. Economically, St. Joseph County relies on a few large industries and several small diversified industrial concerns. It is composed primarily of a working and middle class population.

The Youth Service Bureau is a bureau within the Civil City of South Bend and has been in operation since 1972. Though a City bureau, it serves all of St. Joseph County. The Bureau has four major components; youth employment, recreation, informal counseling, and shelter care.

The Runaway Shelter was opened in June of 1976. Funds were provided by the Runaway Youth Act. The decision to open a shelter for runaways was based on our belief that the act of running away from home, rather than an act of defiance or delinquency, is a cry for help that signals a breakdown in the family system. The philosophy of the shelter, as well as the Youth Service Bureau itself, is one of providing positive support in a caring environment allowing the individual the freedom to make his/her own decisions. The goal of our shelter is to provide the necessary support system to enable a young person to return to the family unit and to provide the family with the necessary tools to lessen the likelihood of other runaway episodes.

To meet this goal, the Runaway Shelter provides a variety of services. Services provided directly by shelter staff and volunteers include individual, group, and family therapy. These are provided while the youth is in residence. Educational programs are scheduled weekly using such community agencies as Planned Parenthood of North Central Indiana, the Alcoholism Council of St. Joseph County, and several others. Group recreational outings are scheduled weekly. Job opportunities are provided by the Youth Service Bureau's employment component. Service needs such as legal, welfare, and health are referred. Once a youth leaves the Runaway Shelter, individual and family counseling may be provided, either by staff or by referral.

The Runaway Shelter is licensed by the State of Indiana as a group home. It has a licensed capacity of nine and has an average of six residents daily. In 1976, 209 juveniles were referred from police to the St. Joseph County Juvenile Court as runaways. The number increased significantly in 1977 to 311, and decreased minimally in 1978 to 299. In 1979 reported runaways totaled 246.

During the last six months of 1976, which was the first six months of the Shelter's operation, 70 youth were housed and received services. In 1977, 1978, and 1979, a combined total of 538 youth were provided shelter and counseling services. In 1979 of the 216 youth who resided at the Runaway Shelter 122 were female, 94 were male. Of that number 144 were 14, 15, and 16 years old. The vast majority or 191 were residents of St. Joseph County. Also in 1979, 46 families were seen for ongoing family therapy. This represented 196 individuals.

During the grant period, the Runaway Shelter received $52,500.00 in federal funds. At an average of six youth daily, the cost to the federal government is approximately $24.00 per youth daily. This cost provides no adjustment to include the hours of aftercare services provided once a youth leaves the shelter. This inclusion would reduce the federal cost. Given that the family is the basic unit of American society and that youth represent our greatest national resource, this federal expenditure seems not excessive.

There are no typical reasons why young people leave their homes. They run for a number of reasons. Some are victims of sexual or physical abuse. Some suffer emotional neglect. They are discounted and minimized. They are treated as if they are worthless, and soon believe themselves to be. Some teens are pushed out of their homes, told to leave and never return. Some run from single family homes. Others live in blended families where they resist the authority of a stepparent or are unable to cope with the pressures of sharing a house with stepbrothers and sisters. Some flee from the chaos created by the alcoholism or drug abuse of a family member; others because of the pressures of poverty. Some young people run because their parents are too demanding, too restrictive, or because there is little or no communication among family members.

I am very encouraged by the content of the Runaway and Homeless Youth Act of 1980. It acknowledges the vital role the Federal government must take in providing services to youth and families in crisis. The inclusion of "homeless youth" accurately reflects reality and the need for provision of services to youth who, while not technically runaways, are nonetheless in crisis.

Increasing the funding allocation is essential. This increase will allow for the creation of shelter facilities where none currently exist. It is imperative that those shelters currently funded continue receiving federal support. Speaking from my experience in South Bend, at this point in time the local community could not exclusively support the continuation of the Runaway Shelter. If no federal funds were available our shelter would close.

If our shelter was able to receive increased federal support, I feel confident we could more successfully meet the goals of the Runaway Youth Act. More staff is essential to adequately provide aftercare services. Currently only one half-time family therapist position is provided for by Runaway Youth Act funds.

We must recognize and respond to the needs of the families of runaways. It has become apparent to us that a need exists for providing support services to parents of runaways. A parents group has been suggested, but is impractical due to staff time limitations. Educational and therapeutic groups could be offered to the younger siblings of runaways. Educational and group rap sessions open to any interested young person could provide skills needed to cope with stress in a family setting.

We must address ourselves to community attitudes toward young people: attitudes that discount and devalue youth. Educating the community is essential. Too few people have any real understanding of the dynamics that lead a young person to leave home. Too few people understand how they can serve an important role as a significant person in a young person's life. Too many people think young people who leave their homes are delinquents and troublemakers. Too many people judge the parents of runaways and troubled kids as unfit and incapable of change. With adequate support and resources provided from the Federal level, communities can be more enlightened in the area of family dynamics and better prepared to respond to the needs of the family. These are only a few of the identified areas of need in our community.

In conclusion, I'd like to compliment the Department of Health and Human Services and its Youth Development Bureau for its administration of the Runaway Youth Act. On behalf of the City of South Bend and the youth serving community of Indiana, I'd like to thank Senator Bayh and this committee for your leadership and interest in young people. I appreciate this opportunity to share the Youth Service Bureau Runaway Shelter Program and to comment on the proposed Runaway and Homeless Youth Act of 1980. Thank you.

Subject: Your reply of January 11, 1977 to Draft Bulletin of December 22, 1976.
To: Mr. Francis T. Hehman, Assistant Acting Regional Commissioner for Mental Health.
From: Robert M. Daly, M.D., Deputy Secretary for Mental Health.

It is the belief of this office that the mentally ill adolescents ages 14 to 18 may be hospitalized intermingled with the adult population at Clarks Summit, Wernersville, and Allentown State Mental Hospitals in the Northeast Region. This should in most cases preclude the necessity for transferring them out of the region and far from home and family who must also be included in the treatment process.

If such hospitalizations present problems, this office should be informed of them so we may render assistance in their correction.

POLICY REGARDING STATE MENTAL HOSPITAL SERVICES FOR CHILDREN AND ADOLESCENTS

It is the goal of the Commonwealth of Pennsylvania that children and adolescents will be treated in or near their home communities, supported in the treatment effort by their families and responsible agencies. To this end it is important that all of our State Mental Hospitals be prepared to meet the needs of these patients as they are referred to these facilities.

Because of differences in maturity, developmental level and therapeutic needs, we are proposing to divide childhood into three categories, birth through 2, 3 through 13, and 14 to 18 years of age. Ages birth through 2 shall be designated as "infants" and will not be admitted to State Mental Hospitals. The latter two groups shall be designated "children", and "adolescents" in that order.

With regard to "children" (3 through 13), it is hoped that primarily community-based outpatient, partial, or residential programs would be meeting their needs and that the numbers requiring treatment at a distance from home would be minimal.

It shall be the policy of the Department to designate certain State hospitals as providing regional programs specific for "children" (3 through 13) and they shall be as follows: Southeastern Region: Eastern State School and Hospital, Eastern Pennsylvania Psychiatric Institute, and Haverford State Hospital; Northeastern Region; Allentown State Hospital; Western Region: Mayview State Hospital; Central Region: Eastern Pennsylvania Psychiatric Institute and Haverford State Hospital. It is our policy that any "children" (3 through 13) committed to a State Mental Hospital be committed to one of these psychiatric hospitals if care is required beyond that which the community can provide.

Adolescents 14 years and older admitted to State Mental Hospitals under the various Act 143 commitment procedures shall be admitted to any and all of our State Mental Hospitals, whether or not special adolescent inpatient units exist in the facility. In order to meet the needs of this category of patients, all State Mental Hospitals shall have, in addition to the individual patient treatment plan for each patient, programs appropriate to the: (1) developmental level; (2) nature of mental disorder; and (3) educational status of the patients admitted. To implement this policy each superintendent will appoint a director for adolescent programs. This director would in turn be provided with a special hospital area and sufficient full or part-time staff to supervise the development of peer group activities, monitor individual treatment plans, provide family and agency involvement, and insure right to education of each eligible patient by notifying and monitoring the involvement of the local Intermediate Unit of the Pennsylvania Department of Education. Where the condition of the patient warrants, he or she may be intermingled with the adult hospital population, receiving such specialized services as are indicated above during program hours.

It is not necessarily advisable nor is it required by JCAH or DPW regulations that a separate adolescent living unit be maintained by every hospital; only that the individual treatment plan be appropriate to meet the patient's needs and that special peer activities be available.

Prior or subsequent to admission should an adolescent (14 to 18) be determined by his treatment team to require a specialized adolescent living and treatment unit, the County MH/MR Administrator shall be notified. The latter shall arrange for alternative placement if this is a available within the Region. If not, the Regional Commissioner of the Home Region shall negotiate with the Regional Commissioner of the Region to which the patient is being sent for out-of-Region commitment to a designated adolescent unit as listed above.

With regard to adolescents 14 to 18, the following shall be designated special regional "adolescent" units. They are: Southeastern Region: Eastern State School and Hospital, Norristown State Hospital, and Haverford State Hospital; Western Region: Woodville State Hospital and Warren State Hospital; Central Region: Norristown State Hospital and Haverford State Hospital; Northeastern Region: Norristown State Hospital and Eastern State School and Hospital.

In order to facilitate the implementation of this policy, we are requesting that the Superintendents of these hospitals not currently having designated adolescent and/or children's living units inform us as to the current status of their programing for adolescent patients, including the name and classification of the person designated as Director of Adolescent Programs.

COMMONWEALTH OF PENNSYLVANIA,
November 29, 1977.

Subject: Judge Wesner Letter re Adolescent Institutional Services.
To: Wilbur M. Lutz, M.D., Superintendent, Wernersville State Hospital.
From: Allen Handford, M.D., Director, Children and Youth Services, Office of Mental Health.

Regarding my recommendations to Judge Wesner concerning hospitalization of adolescents, it is the expectation of this office that all of the State mental hospitals offer appropriate individual treatment plans and programs as well as living quarters for patients 14 years and older sent to them under the various Act 143 commitment procedures. If such is not the case at Wernersville, you should begin to take such steps as are necessary to be in compliance. This would include the appointment of a mental health professional as director for adolescent programs, who would in turn supervise the development of peer activities, monitor individual treatment plans and insure right to education by notification of the local Intermediate Unit, of Pennsylvania Department of Education upon admission of the above.

Where the condition of the patient warrants, he or she may be intermingled with the general hospital population, receiving such of the above specialized services as are indicated by developmental level, nature of mental disorder, and educational status.

For these purposes we consider general psychiatrists to be qualified by the nature of their training to treat adolescents and to direct the treatment team in all other aspects of their management.

It is neither advisable nor required by JCAH or DPW Regulations that a separate adolescent housing unit be maintained; only that the individual treatment plan be appropriate to meet the patient's needs, and that special peer activities be available where indicated.

Should an adolescent be determined by the treatment team to require a specialized unit, you are quite right in indicating that upon notification by the superintendent the referring BSU as agent for the County MH/MR Administrator, or the latter himself should make the alternative referral either within or outside the home Region to a designated adolescent unit. In the latter case, the sending Regional Commissioner shall assist by securing agreement from the receiving Regional Commissioner for hospitalization in his Region before the transfer of the patient.

Should you require clarification, please feel at liberty to contact this office.

COMMONWEALTH OF PENNSYLVANIA,
September 26, 1977.

Subject: Adolescents Intermingled with Adult Patients in State Mentai Hospitals.

To: Superintendents State Mental Hospitals, Regional Commissioners for MH, County MH/MR Administrators, Juvenile Court Judges.

From: H. Allen Handford, M.D., Director, Children and Youth Services, Office of Mental Health.

Through: Robert M. Daly, M.D., Deputy Secretary and Commissioner of Mental Health.

This is to call your attention to a recent legal opinion from our General Counsel with regard to the intermingling of adult patients and adolescents in State mental hospitals. We are advised that nothing in Act 143 or the Mental Health Act of 1966 prohibits placing persons between 14 and 18 years of age with older patients where this is deemed by us to be desirable.

We are therefore advising you that adolescent patients 14 years and older may be hospitalized and intermingled with adult patients in all of our State mental hospitals. They are to receive an appropriate individual treatment plan and services as indicated by the nature of their mental disability.

The local educational agency (school district or Intermediate Unit) is to be notified of the admission to the hospital so that an Individual Educational Program under their Right to Education may be developed while they are in the hospital.

The intent of this policy is to insure treatment close to home and family in the patient's own county or region, if possible, in close cooperation with his parents or the agency of custody and the referring agency. This is to insure rapid return of the patient to his home community.

Please also be advised that it is not the intent of this policy to discontinue currently established discrete adolescent units now present in State mental hospitals. The presence of such units continues to be an essential part of our mental health institutional system. Adolescents may be referred to such discrete units if the superintendent of the hospital to which the adolescent has been admitted determines that due to extreme immaturity, special needs, or other individual requirements he/she would best be treated in such a unit. The mechanism for such a referral would be back to the referring base service unit through the Regional Commissioner of Mental Health to the Regional Commissioner of Mental Health in the Region to which the patient is being referred. All must agree and the appropriate recommitment instituted before such transfer may occur.

With regard to staff needs, professional competence to treat adolescents as well as adult patients must be assumed by the nature of the training of licensed psychiatrists. Other mental health professionals will be expected to cooperate in the development of the individual treatment plans for adolescents in their hospitals. During the non-sleeping hours programs for adolescents such as socialization, recreation, as well as other treatment modalities shall be under the direction of a Coordinator for Adolescent programs.

With regard to the treatment of children 13 and younger it shall continue to be the policy of this office that such younger children shall be treated on discrete approved units as currently established in selected State mental hospitals across the State. Where such children must be hospitalized outside of their county or region, the procedures established by Act 143 shall prevail.

Questions with regard to this policy should be directed to Dr. Handford or his staff in the Office of Mental Health.

COMMONWEALTH OF PENNSYLVANIA,
July 22, 1977.

Subject: Data Request.
To: H. Allen Handford, M.D.
From: Ronald B. Purtle, Ph. D.
Through: Victor X. Fongemie, Ph. D.

Per your July 22nd request, attached you will find the number of children and youth in State Mental Hospitals, 5–19 years old (as of 6/30/76).

Please note that reports generated from the data used categorical age groupings that combined 18 and 19 year olds. For future reports to be generated for fiscal year 1977/78, the age categories of institutionalized patients can be changed to more accurately reflect your data needs. I would appreciate your input as to which age categories would be most useful to your needs.

Attachment.

Number of children in State mental hospitals 5 to 19 years of age as of June 30, 1976

Facility:	*Number of children*
Allentown	81
Clarks Summit	22
Danville	21
Dixmont	7
Embreeville	25
Fairview	13
Harrisburg	36
Haverford	135
Hollidaysburg	36
Mayview	24
Norristown	55
Philadelphia	40
Retreat	14
Somerset	17
Torrance	17
Warren	35
Wernersville	39
Woodville	59
EPPI	47
ESSH	115
WSSH	11
Total	849

Senator BAYH. Now if we could have our next panel, Mark A. Thennes, director, National Youth Work Alliance; Barbara Sylvester, vice chairman, National Advisory Committee on Juvenile Justice and

Delinquency Prevention, and Pearl West, director, Department of Youth Authority, Sacramento, Calif.

PANEL OF: MARK A. THENNES, DIRECTOR, NATIONAL YOUTH WORK ALLIANCE; BARBARA SYLVESTER, VICE CHAIRMAN, NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION; AND PEARL WEST, DIRECTOR, DEPARTMENT OF YOUTH AUTHORITY, SACRAMENTO, CALIF.

Senator BAYH. Mr. Thennes, why don't you start off.

Mr. THENNES. Thank you Senator.

I would like to thank you for the opportunity to testify this morning for the National Youth Work Alliance.

In the interest of time, I would just like to highlight some of the issues in my written remarks.

We had a meeting of 25 youth workers from around the country for the National Youth Work Alliance to set our youth policy positions. I would like to report on some of those and give you some other comments on some of the proposed legislation.

The alliance membership supports a higher appropriation for the Juvenile Justice Act of $140 million, and for the Runaway Youth Act of $25 million.

I think, Senator, that in terms of——

Senator BAYH. If you will excuse me. I have to slip out. I will be right back. We will have Ms. Jolly continue to preside here.

Mr. THENNES. I think that if we look at some of the things that have worked, the deinstitutionalization of the Juvenile Justice Act, the removal of kids from jails, and the housing for runaways under the runaway youth program, we see that the costs for housing these kids have really soared over the last 3 years in terms of the fuel costs and other energy-related costs for housing.

I think also, interms of the losses suffered from inflation, that with continuing the appropriation at the same level for the last 3 years, there is more than significant justification to increase a higher appropriation level, as we have seen a decrease in the availability of services and the purchasing power at least of the dollars now being proposed.

I think the other issue that I would like to draw to your attention would be the position of the Office of Juvenile Justice.

The alliance has been supporting autonomy for the administrator, and a stronger role for the Office of Juvenile Justice. We believe the way to best accomplish this is through a fourth organizational structure. If this could be accomplished through the Senate language and we obtain a separate line item in the Federal budget for Juvenile Justice, we feel that this would address some of our concerns.

I think another concern that the alliance membership has had is what has happened with delinquency prevention. The act, among youth advocates, is known as the Juvenile Justice Act. I think this is no accident. I think that the delinquency prevention part of this act has been totally neglected.

Every 5 years or so the Office of Juvenile Justice will launch a juvenile delinquency prevention program, but basically that kind of programing around the country has come to a halt for it is very difficult to measure.

California, for example, has a small program, about $200,000 that they fund with State money. I believe that the Office should be directed to create a free-standing delinquency prevention program not unsimilar to the Runaway Youth Act, and perhaps some of the unobligated funds or the reverted funds that return to OJJ from nonparticipating States could be earmarked and put into that program.

What we have heard from youth workers around the country is, with the current Federal approach of coming up with Federal guidelines, it is in addition, on creativity coming from communities where local communities know their needs best and are incapable of really responding in a creative way to a set of rigid Federal guidelines.

Any Federal delinquency prevention program should allow for the funding of unsolicited programs that come from indigenous community groups.

The other position of the alliance that I would like to draw to your attention was eloquently stated yesterday by the Deputy Attorney General, Charles Renfrew, and that is the removal of children from jails.

The National Youth Work Alliance has gone on record as supporting this position. Certainly the Justice Department is to be commended for their support of this position. It is probably one of the most progressive things that the Justice Department has ever come out for in terms of supporting kids.

Ms. Jolly. They should be commended. However, for 6 years, Senator Bayh has had section 223(13), which relates to the separation of all juveniles from adults in any institution.

We understand that the Justice Department at this point over 6 years has said that only 10 States out of 50 have reported compliance with that section.

We really hope that they monitor that a little stronger so we just don't have States that report compliance, but States who actually are in compliance.

Mr. Thennes. I think that in the long run, the other issue that is related to that, I think if we look down the road to what the Juvenile Justice Act should be doing, is trying to take a look at who is left in the jails and the prisons in this country.

I think the most successful thing and certainly one of the most visible things about the Juvenile Justice Act has been not only the deinstitutionalization and some of those statistics that were reported to the committee yesterday, but also some of the changes in State legislation that have occurred in over 30 States.

I think what we see is a trade-off that was being made between what kinds of services State legislatures would allow to be provided for status offenders and nonoffenders and then the trade-off was that more serious treatment or punishment options were set up for the serious offenders.

What we have seen is a growing number of States allow an ever-increasing number of young people, at younger ages, allowed into an adult correctional system which is a proven failure for an ever-growing number of crimes.

I think that what we would urge the Congress to do in terms of looking at a 5-year extension of the Juvenile Justice Act, to look at the possibility of creating a program or at least looking at some amendments over the next few years that can look at what is happening in terms of the inequal treatment for minority youth that was pointed out yesterday.

If you take into consideration the demographics, I think what we will find by the mid-1980's is a juvenile justice system in this country that by far predominantly incarcerates minority young people.

Some of these differences in treatment I think are obscene.

I think that the issue is not so much public safety as it is the human services providers' inability to cope with these kids.

I think part of it, from my experience, begins looking at the role of human service providers, particularly employed by public government.

I think that what we see in the major cities is well-intentioned youth workers, for example, caught up and dehumanized in a bureaucratic system that they are trying to work in to serve kids.

I think that any program that tries to look at what to do to help kids that are remaining in prisons and in the jails really has to seek ways to fund indigenous community groups in their communities to serve the kids in their own communities.

I think that is probably one of the major shortcomings, so far, of the Juvenile Justice Act.

I think the other thing that I would urge the Congress to do is carefully review some of the language contained in the House bill, particularly the monitoring requirements and requirements around compliance with deinstitutionalization.

Some of that language you could drive a Mack truck through in terms of the exceptions. Now whether the language in the bill itself should be changed or whether the language in the conference report, it is extremely unclear. I think it would tend to weaken some of the progress we have made with the Juvenile Justice Act over the last few years.

Lastly, I would like to address the Runaway Youth Act. We have made a number of suggestions in terms of different programing there to increase the size of the grants.

I think I would like to draw a couple of things to your attention. One of the concerns that we have—there is a meeting two doors down the hall, of the Senate Budget Committee, and they are expected later this afternoon or tomorrow to come up with a proposal to either eliminate LEAA and possibly eliminate the Office of Juvenile Justice, not dissimilar from what the House Budget Committee did last week.

The President has also announced a freeze on hiring. We have seen the Office of Juvenile Justice say that it needs another 50 slots.

I think that the Congress needs to begin to look at the two titles of this act, title II and title III, and look at some of the rationale of how they are set up in the Federal Government.

I would urge the Congress to examine two options. The first option would be to transfer the Runaway Youth Act to the Office of Juvenile Justice.

The Runaway Youth Act is funded with $11 million and has approximately 20 job or staff slots connected with it.

The other Juvenile Justice Act is funded with $100 million. It has approximately 40 staff slots that are filled at this time.

Ms. JOLLY. That may or may not be a good idea. However, as you know, in the entire budget process there is usually much difficulty when you transfer one agency to another, to get the same appropriation that agency may have in HEW, and then, the slots.

Of course, as you know, right now there are no additional slots for either the Juvenile Justice Office or HEW in the President's fiscal year 1981 budget.

Maybe somewhere down the line there should be all sorts of children's programs combined in an office, an advocacy office for youth, but right now, I think it would be very difficult to do. We can't even get any more slots for the Juvenile Justice Office.

Mr. THENNES. Well, I think you are addressing the concern here; that is, that there are additional possibilities of bringing personnel on to a comprehensive and combined juvenile justice program.

Ms. JOLLY. Not when the President has a freeze on.

Mr. THENNES. Well, if you combined the two, you need an amendment on the Appropriations Act, as I understand it, to combine two.

I think that the other option to give serious consideration to is the possibility of transferring the Office of Juvenile Justice to HEW.

The original rationale for putting the Juvenile Justice Act in the Department of Justice was that LEAA had a system in place, that they were already funding juvenile programs and it would be easy to continue that kind of thing.

Should the Congress cut LEAA in half or cut it out completely in this year or next year, that rationale diminishes.

I think that in terms of the support services that are provided to the Office of Juvenile Justice, that would probably replace those both at the national and at the local level and would probably cost us another $10 million out of juvenile justice funds.

Those support systems exist within HEW already. In terms of an era of budget cutting and fiscal responsibility, this kind of an option I think should be taken a look at over the next few years.

Ms. JOLLY. Thank you very much, Mr. Thennes.

Mr. THENNES. Thank you.

Ms. JOLLY. Barbara Sylvester, Vice Chair of the National Advisory Committee.

TESTIMONY OF BARBARA SYLVESTER

Ms. SYLVESTER. Thank you Madame Chairperson.

Ms. JOLLY. Your statement will be included in the record in full, at the conclusion of your oral testimony.

Ms. SYLVESTER. We would like to state to Senator Bayh that we in the Carolinas would like him to know that it has been a long time since he has been down to meet the youth workers.

I most especially would want to thank my own senior Senator, Strom Thurmond, for being a part of this committee.

Ms. JOLLY. He apologized earlier this morning for not being able to remain here. He had to go to the Armed Services Committee meeting.

Ms. SYLVESTER. I think, too, that at this time I must point out and would like it to be in the record that Senator Thurmond established a scholarship and a training school in South Carolina for a youngster who would like to further his education. It is not named for Strom Thurmond. It was named for a young man that he has watched grow up. I would like for that to be a part of the record.

Ms. JOLLY. Certainly.

Ms. SYLVESTER. On behalf of the National Advisory Committee, I most certainly am delighted to be here and submit a summary of our position on the reauthorization.

I will confine my comments today to present the views of the National Advisory Committee which we believe are the most significant to the youth of this country and the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

I will then try, to the best of my ability, to answer any questions, Madame Chairlady, that you may have.

On behalf of the National Advisory Committee, I wish to commend you on this excellent legislation that you have been a part of, and most certainly Senator Bayh helped initiate.

I would like to reiterate here that the National Advisory Committee has continually fought against any dilution of any part of the act, most certainly, the section dealing with children locked in jails, of which we know there are very, very many. Yet, as with any issue as complex as juvenile justice, I must point out to you that there are bound to be differences of opinion, and there most certainly are.

Before I touch on those, I would like to say that your amendment, which requires that an evaluation be conducted of programs such as "scared straight," is an excellent example of concurrence.

The National Advisory Committee considered a recommendation to revise the JJDP Act to include an emphasis on violent, serious, or chronic juvenile offenders.

Although this is an important issue, the Committee opposes such a revision in support of the existing legislation, which permits the use of its funds for programs targeted on violent and serious crime.

Recent research indicates that the percentage of the known juvenile-related offenses involving violent and serious crime is very small.

The uniform crime reports state that approximately less than 1 percent of juvenile arrests are for violent crime.

The Juvenile Justice and Delinquency Prevention Act has made, and continues to make, important strides toward removing from the Justice system those youths who do not need its authority to habilitate themselves.

We believe that the act should continue to focus on these young people.

Furthermore, in the findings and declarations of the purpose of this act, which is section 101, we did not find that it mentions, although later in the act it does mention, minority youth.

The Advisory Committee is requesting that you also include in section 101 minority youths, the mentally retarded, the physically handicapped, and the developmentally disabled.

Research conducted by the National Center for Juvenile Justice states that minority youths are referred to the court more often, detained more frequently, and incarcerated at a higher rate than their white counterparts.

Most certainly, this is not news to us. We are very aware that these segments of our population have been pushed aside onto the back row for much too long.

We strongly recommend that additional attention and resources be focused on the problems of those I have mentioned, the disadvantaged and minority youth, including greater emphasis on emotionally, physically, and mentally disturbed juvenile offenders.

With respect to the structural position of the Office of Juvenile Justice and Delinquency Prevention, the Advisory Committee recommends that the act be revised to provide for the Office to be a separate organizational entity under the Office of Justice Assistance, Research and Statistics, OJARS; and thus, on a par with the National Institute of Justice, the Law Enforcement Assistance Administration, and the Bureau of Justice Statistics.

We would support your amendments to delegate final authority to the Administrator of the Office of Juvenile Justice for carrying out the policy and provisions of the act.

As I have already said, we believe that the Office should be an independent arm, or a separate box, under the OJARS structure with provisions for the administrative authority and the support services necessary to properly carry out and manage the mandates of the act.

We further support that the National Institute for Juvenile Justice and Delinquency Prevention remain within the Office and maintain the integrity of its research functions by retaining its authority to conduct basic research.

Ms. **Jolly**. Congressman Railsback sent us a letter yesterday. He was, of course, the first proponent of the National Institute of Juvenile Justice, along with Senator Percy and Senator Bayh.

He sent Senator Bayh a very strong letter in support of retaining that provision. We have that available.

Ms. **Sylvester**. We believe that OJJDP's mandate to provide the necessary resources, leadership, and coordination in order to improve the quality of juvenile justice and delinquency prevention efforts certainly warrants organizational parity with NIJ, LEAA, and BJS.

Given our present economic situation, inflation, and the limited resources available, it is crucial to demonstrate our commitment to youth at this time by giving the Office of Juvenile Justice the priority it deserves, as an independent agency under OJARS, lest it be lost in the reorganizational shuffle or diminished in the budgetary process.

Another issue of great concern to the NAC is the detention of juveniles in adult jails and lockups. The Attorney General has proposed that "* * * in reauthorizing the Juvenile Justice and Delinquency Prevention Act, Congress absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trial, are confined."

Before I continue with that, I would like to inject my own personal observation on this. I can hear States screaming at the top of their lungs, "You are not thinking about the cost of this."

I also can imagine myself asking them how many children they have in the juvenile justice system. They would not be able to tell me, but I believe that if I went to an area of the country where fish hatcheries are, I could ask them the number of fish hatcheries they had, and they would shoot the number off like this.

I could ask them the amount of money they spend on children in trouble, or children with problems, and they could not tell me, but they would be able to tell me the exact dollar and cents if I were asking them about the financial operation of fish hatcheries.

So, that to me would be absolutely no excuse, not to remove children.

Ms. JOLLY. I think it would be interesting to let the record show that last year citizens of the United States, adults, spent more money on toys for children and more money on pets. It is in the billions of dollars, billions, but not the same kind of emphasis is placed on the problem children we have.

Ms. SYLVESTER. The NAC, in its Standards for Juvenile Justice, supports the Attorney General's proposal. It is standard 4.26, and I read that to you now:

> Detention facilities should be located within the community from which they draw their population. Such facilities should not be on the grounds of an institution used to house adults accused or convicted of committing a criminal offense.

That is one of the NAC's standards.

The harms and tragedies that result from the jailing of juveniles are well documented in the testimony of Dr. Rosemary Sarri and other experts, who were before the U.S. Senate Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, for the hearings on the detention and jailing of juveniles, in 1979.

Surely we all know that placement of juveniles in adult jails, under the condition that they are to remain separate and apart from the adults, has repeatedly failed, over and over and over again.

In the study entitled "Children in Adult Jails: 1976," conducted by the Children's Defense Fund, 449 jails were visited in States with separate and apart provisions on the books, and only 35.9 percent could assure substantial separation, 42.3 percent of the jails provided partial separation, and 21.8 percent assured no separation.

Mr. Chairman, we hope that your committee will consider the reauthorization proposal presented by the Attorney General for further strengthening the intent of the Juvenile Justice and Delinquency Prevention Act by amending section 223(a)(13), to require the removal of juveniles from inappropriate facilities, and thus help to insure that juveniles will receive the services and treatment they may require and deserve, as well as the safety to which they are entitled while being detained.

It is absolutely no secret that the National Advisory Committee has very emphatically stated that States not meeting that requirement of section 223(a)(13) should not be allowed to continue participation in the JJDP Act.

The NAC supports the amendments in this bill which increase citizen participation and strengthen the role of the State advisory groups.

We have also recommended an amendment that would provide for the representation of the State advisory groups on the National Advisory Committee.

As a citizen trying to improve the juvenile justice system nationally, and in my very dear State of South Carolina, I know the importance of increasing the opportunities for citizen advocate groups participating at the local, State, and national levels.

In closing, I would say that we can sit and we can talk and we can make recommendations, but Madam Chairlady, until we educate society on what the problems are, I don't think that any of our recommendations are going to save the hour.

Thank you.

Ms. JOLLY. Thank you very much, Barbara.

Pearl West, director, Department of Youth Authority.

TESTIMONY OF PEARL WEST

Ms. WEST. Thank you Mary.

I would like to ask you, as acting Chair, to extend to Senator Bayh my appreciation for having the opportunity to appear here.

Certainly in California, as much as throughout the rest of the Nation, his reputation as a defender and supporter of people who are trying to find solutions for the troubles of youth is very well known.

Ms. JOLLY. Thank you very much. We will make sure and let him know that.

Ms. WEST. Thank you.

He has certainly led the way toward delinquency prevention programing, deinstitutionalization of status offenders, and the prevention of the locking up of children with hardened criminals.

The California Youth Authority, as well as the State of California certainly support all of these goals. I am here today specifically to support reauthorization of the JJDP Act, and as a matter of fact, we would also support an independent Office of Juvenile Justice and Delinquency Prevention, and have offered, under separate cover, to the staff, as you know, an amendment.

We support the reauthorization, the amendment, and have also submitted a written rationale as well as a written formal statement.

I would like to make some informal comments at this time, if I may.

California as the largest State in the Union, of course, also has the largest youth population in the State. We therefore, with our concern for young people at least as great as anybody else's, are very uncomfortable that despite the common goals of the JJDP Act, California is faced with the choice of either accepting OJJDP's disapproval of the California Youth Authority's practice in particular, for which they want to penalize local delinquency prevention program, in fact, put them out of business and deprive them of $6 million, or we have the choice of dismantling the country's most progressive youthful offender system.

The California Youth Authority has its existence and its practices based upon a blueprint that came from the American Law Institute. Starting in 1941, we put into effect almost that entire blueprint in literal terms.

The blueprint itself addressed youthful offenders between the ages of 16 and 26. Our literal jurisdiction in California today actually runs between 8 and 25, although our actual Incarcerated population is between 15 and 23, with 2 under the age of 15 and 2 over the age of 23 at last glance.

Nonetheless, some of these people may be under our parole jurisdiction until they are 25 if they are felons, or 23 if they are misdemeanants.

The average age of the Youth Authority population is over 18. It is this commingling which has brought us into conflict with the second primary goal of the Juvenile Justice Delinquency Prevention Act.

This seems ironic to me especially, as I run the Youth Authority system, because California's youth offender system brings separation to an even more careful delineation with classification and program assignments by separating the less experienced young person from the more experienced young person, as well as offering an opportunity to separate the more experienced and less experienced of the youngest of the adult offenders by California's definition.

I would like to talk a little bit this morning about California's system, generally, and about the Youth Authority in particular.

California has 23 million people. They live in 58 different counties. Delinquency prevention efforts occur through public and private organizations, primarily at the local, that is, city and county levels.

Yet, it is important for you to know that delinquency prevention has been a primary goal of the Youth Authority and was the first budget priority this year, even though the legislature did not respond in the sense that I would like to have them respond.

Deinstitutionalization in California has long since been a fact. In the Youth Authority itself, deinstitutionalization of status offenders took place 2 years prior to the Federal requirement.

Since that time, it has occurred in all 58 counties and is being done under the supervision of the Youth Authority.

The counties, in addition, have juvenile justice and delinquency prevention commissions made up primarily of private citizens who work in the area of prevention and diversion, as well as making sure that appropriate justice is done in the local justice system, which I will talk about.

Those local justice systems are run by probation departments and the sheriff. Probation actually has under supervision far more people, fortunately outside, than it has inside its institutions, and also runs juvenile halls, schools, camps, and ranches.

All of these receive subsidies from the State of California through the Youth Authority.

The sheriffs are in charge of the jails. In some jails there are some special sections which meet the requirements of the Youth Authority and which also meet the requirements of the Federal Government. These are places where juveniles may be detained for very short periods of time.

The Youth Authority offers training to these county commissioners which gives us a very good cadre of well-educated citizens in the area of delinquency prevention and diversion.

We enforce standards for the operation of juvenile halls, the camps, ranches, and schools. Those standards were brought about by hearings held throughout the State with input made from all of the counties before the standards were adopted, and again, hearings will be held when some kind of revision is necessary.

In addition, at the State level, the Youth Authority coordinates delinquency prevention programs throughout the State of California.

We act as a clearinghouse of information. We have only $200,000 out of the major general fund, but we have some other money I will talk about later.

Our process, however, is not to run delinquency prevention programs, but to evaluate them, give them money, help them with monitoring, and help them to help themselves, which is what we think has got to happen.

How do young people then come to the Youth Authority, and let's talk about the commingling problem. People come from the Youth Authority from two courts, the juvenile court and the criminal court.

The juvenile court may place juveniles in the Youth Authority only as a place of last resort. In fact, the judges in California are trained, and they must indicate on their commitment order that they have considered every other placement for a young person before they send that young person to the Youth Authority.

So, we get the kids who have had, on the average, five experiences of being locked up at the county level before they come to us.

Thus, we separate the serious juvenile from the less serious juvenile, even among the offenders.

Some 16- and 17-year-olds can now in California be waived to the criminal court, and they may be and are almost uniformly sent to the Youth Authority if they are found guilty of the most serious charges, serious enough to have remanded them to the criminal court.

In addition, the criminal court has an option with 18-, 19-, and 20-year-olds. That option is to send to the Youth Authority those people young enough in the ways of crime that they may benefit from a rehabilitative mode of training and treatment, for the Youth Authority, as opposed to the prison system in California, is entirely a rehabilitative system.

We have in our system some other distinctions from a prison system that people concerned about young people in trouble need to look at.

It is true, we have 10 institutions and 5 conservation firefighting camps. There are no great thick cement walls around our institutions. There are no gun turrets. There are indeed, no guns.

There are 14- or 16-foot wire fences which occasionally get climbed over, but that is what we have. There are no uniforms. There is no corporal punishment.

I would not say this is the place of choice to send somebody for a Sunday school picnic. Do not misunderstand me. I am trying to make the point that the Youth Authority institution geared to rehabilitation is an entirely different place, an entirely different environment than is a prison system.

To deny that rehabilitative possibility to 18-, 19-, and 20-year-olds, just by virtue of having passed a certain birthday, may indeed be visiting certain kinds of sins upon younge people by virtue of a birthday that thinking people may not wish to do.

We have 5,000 young people in the Youth Authority, of which 2,600 currently are juveniles. Their average length of stay, juveniles and adults alike, is 1 year, and may go to 12.3 months by the end of the year.

Classification and program assignment is based on age, size, maturity, physical and mental competence, interest, educational and vocational needs, the presence or absence of family, as well as the criminal history.

Neither separation nor, indeed, any kind of program alone can guarantee fairness. As, indeed, members of this committee should know, the Youth Authority has the LEAA exemplary ward grievance program within its institutions so that people who are committed to us may indeed find another way to face their problems.

Moreover, we have, in addition, an appeals system so that any decision made about time to be served which is established by the youthful offender parole board can also be appealed. Time is indeterminate in the Youth Authority as opposed to determinate time as in the prison system.

While no one apparently objects to California's treatment of juveniles in the Youth Authority, the problem seems indeed to be around whether or not 17- and 19-year-olds should be able to sit in the same classroom if the origin of each of those youngsters happens to be from a different court.

Judge Renfrew yesterday talked of some new strategies and the need for them. Perhaps for other States some of the California system might constitute a new strategy.

Since juveniles are indeed defined differently in different States, perhaps it is also time to define separation in different ways in different States.

The Youth Authority in California——

Ms. JOLLY. Of course, as you know, juveniles are defined differently in different States, because every State has its own law.

We do not have something that is in our Juvenile Delinquency Act that would define what a juvenile delinquent is.

Ms. WEST. I understand that.

Ms. JOLLY. We leave it up to the States because, as you know, with all the different Senators that serve on this panel and all the different Senators in the Senate and the House Members, it is very difficult to come up with a definition that would please all of them. That is why we defer to State law on that so that we don't have any crossovers.

Ms. WEST. I would ask that you defer to State law in some other areas.

The Youth Authority in California is somewhat analogous in its relationship to counties to the Federal Government's relationship through OJJDP and LEAA to the States in the areas that we have discussed.

We subvene funds directly to counties. We give $60 million to the counties in the State of California to provide local programs of prevention, diversion, and correction, a part of which is a special $18 million which is earmarked and may be spent only for programs for status offenders.

We also have the aforementioned $200,000, which comes out of the general fund for delinquency prevention projects. This money is given directly to the local people. They put in requests for projects the same way States do to the Federal Government.

These projects are evaluated by a State level delinquency prevention commission, an eight lay member commission which is reporting directly to me and is the nucleus of the Governor's State advisory group.

Upon request, we do indeed help them write their projects, perform their evaluations, but we do not run their projects, and do not think we should.

We think, in sum, that California has an unusual, an especially good system. We also think that the Juvenile Justice and Delinquency Prevention Act is an unusually good law.

With the intents so nearly identical between that law and the purpose of the Youth Authority and the youthful offender system in California, why should one indeed have to destroy the other?

It is to avoid the necessity of that, as well as the possible alternative of withdrawal from the act, which California will have to consider, that California has submitted its amendment and with that amendment urges reauthorization.

Thank you.

Ms. JOLLY. Thank you very much.

The Senator had to go to the floor. There is a vote on right now. We thank you all very much for coming. Your entire statements will be placed in the record.

Any exhibits or appendixes that you want to supply, please feel free to do so.

Thank you very much.

[The prepared statements of Mr. Thennes, Ms. Sylvester, and Ms. West follow:]

PREPARED STATEMENT OF MARK A. THENNES

Good morning, Senator. I wish to express my appreciation to you and members of the Subcommittee for inviting testimony today from the National Youth Work Alliance on the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA), and Title III of that Act, the Runaway Youth Act.

The National Youth Work Alliance is one of the largest membership organizations of youth services agencies in the country, representing over 1,100 community based youth serving agencies. Established as a nonprofit national advocacy organization in 1973, the Alliance serves member public and private human service providers working in nearly every area affecting young people including juvenile justice, employment, education, recreation, alcohol and drug abuse, running away, adolescent pregnancy and residential care.

I came to work for the Alliance in 1974 specifically to work on the implementation of the Act. During this time, these efforts to assist youth workers in becoming involved in juvenile justice advocacy have been supported by such foundations as Field (New York), W. T. Grant, Ford, the Lilly Endowment and the Exxon Corporation. Prior to this work I was Director of the Youth Network Council in Chicago, a youth service coalition, and the director of a runaway center.

The Youth Policy Committee of the Alliance Board of Directors, composed of youth workers from around the country, met here three weeks ago to set policy positions for the Alliance in juvenile justice and youth employment. The following six positions were adopted.

1. In an effort to obtain independence for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Alliance supports the concept of the fourth organizational component of the Office of Justice Assistance, Research and Statistics (OJARS). The proposed language of SB 2441 goes far in its effort to accomplish this. With the current Congressional and Administration's budget attacks on LEAA, it seems imperative to obtain a separate budget line item for juvenile justice and autonomy for the OJJDP Administrator. If this can be accomplished through the Senate language, the Alliance would support it.

2. The Alliance supports an appropriation of $140 million for OJJDP for fiscal year 1981. Should the LEAA budget be reduced, any loss of juvenile justice funds under the maintenance of effort category should be added to the $140 million we seek for OJJDP. Since 1978, the ability to serve juveniles has been drastically curtailed by a loss of LEAA funds and a loss of purchasing power from inflation. These are the funds that have traditionally served the more serious offenders.

3. One of the most progressive requirements of the JJDPA has been the mandated separation of juveniles from adults in secure facilities. The Alliance strongly urges the Congress to retain the current language of this provision.

4. The Alliance does not support the earmarking of the maintenance of efforts for specific purposes. Serious crime varies from rural to urban areas, and local conditions should dictate how these funds are to be spent on delinquent youth. This would become particularly important should the Congress drastically reudce LEAA's budget.

5. For a number of years now, this bill has been called the Juvenile Justice Act. This is no accident, as it reflects the neglect that Delinquency Prevention has received at both the national and local levels over the last six years. The passage of this Act in 1974 virtually killed delinquency prevention programming. An occasional initiative every five years by OJJDP is superficial treatment of this need. The Alliance supports an increased emphasis on Delinquency Prevention, prferably with a free standing national discretionary program not unlike the Runaway Youth Act. This could be funded with reverted or unobligated funds. Such a program should be formulated with extensive input from indigenous community groups, including the funding of unsolicited proposals. Local communities best know their problems, and should be allowed the creativity to respond to those with this Act's framework. As a side point to this, the title given to this bill should be changed, it conveys a mistaken notion that violent crime is the predominant issue and carries a connotation this bill can respond to it. For most young people committing a crime of violence, it was an unpredictable, isolated event. Most people who are murdered are killed by people they know in an act of rage that law enforcement can only become involved in after the fact.

6. The Alliance supports the removal of all children from adult jails. The statement yesterday to this Subcommittee by Deputy Attorney General Charles Renfrew represents one of the most progressive positions ever taken by the U.S. Department of Justice as it relates to juveniles, and they are to be commended for it. Language should be included in the bill to encourage states to embark on this course, and financial incentives offered to assist them in this.

Obviously, there remain other problems to be addressed in the near future Congress should consider now. The JJDPA has been very successful over the last six years in removing young people from inappropriate secure placement to community based settings. The Alliance looks forward to progress in this area under the leadership of the current OJJDP Administrator, Ira Schwartz. When one couples the current practices of the juvenile justice system's treatment of minority youth, particularly the obscene differences in punishment for the same offenses as other youth, and the growth of the minority youth population over the next ten years, we are very close to having a juvenile justice system that predominantly imprisons minorities. Studies show that public safety is not the issue, it is the human service providers inability to cope with these kids and giving up on them.

This is primarily an issue in our major cities. I don't believe local, public government can create systems conducive to humanely serving youth. More often than not, the local public employee is himself dehumanized by the government bureaucracy he works in. We must recognize these human limits to government and seek indigenous groups in communities to serve their own communities' youth.

In another area, it appears three states have not complied with the 75 percent requirement for removing youth from secure facilities. Nearly all states will have to meet the 100 percent requirement by December 31, 1980. Congress must closely watch the impact of several more states failing to comply early next year, and any exceptions OJJDP makes.

I would like to offer some other comments on the proposed legislation. The current House version strikes out language calling for increased use of nonsecure community-based facilities and the discouragement of the use of secure incarceration in Section 223(a)(10)(H)(i, ii, iii), and speaks of replicating exemplary programs and standards. This language has long been cited as signalling to local policy makers the intent of the JJDPA. To omit this language in the current public debate would, I believe, send out a false signal that Congress was changing its committment to these policies. The old language should be retained, with the possible addition of the new.

I urge the Senate to reject the current language in the House Bill diluting the requirement to monitor jails and detention facilities. Many states have had laws for years requiring separation which were never enforced. There is no reason to believe the current requirements should be changed.

I urge the Senate to carefully scrutinize the House Bill's language related to compliance with deinstitutionalization and 100 percent removal of youth from correctional facilities. The language is far to vague and could create enormous loopholes without corrective language in the bill or Conference Report.

It is also proposed that the Coordinating Council review all OJJDP interagency agreements. The Alliance has had two of these in amounts of about $65,000 each, one to work with the Vice President's Task Force on Youth Employment to examine the needs of youthful offenders and one for the National Youth Workers Conference June 18–21, 1980 at The American University. The agenda of a group called upon to coordinate federal youth policy should not be jammed with these small matters. Besides, there is enough delays inherent in the federal funding process already. The Council should limit its review to those agreements over $1 million, the bill or Conference Report should reflect this.

I support the National Advisory Committee's position on Coordinating Council membership, particularly requiring OMB to sit on it.

TITLE III: THE RUNAWAY AND HOMELESS YOUTH ACT

The only official position taken by the Alliance on this Act is to support an appropriation level of $25 million for fiscal year 1981. Our previous experience leads me to offer the following comments on the proposed bill.

1. The maximum limit on grants should be raised to $150,000. Inflation has been taking its toll on youth services, particularly those providing housing whose energy costs have soared.

2. The language regarding the national telecommunications system should be supported. This has been one of the most successful efforts funded under the Act, and provides invaluable service to runaway and homeless youth and their families.

3. A higher authorization level, $35 million, for the five years should be sought. Congress rarely appropriates anything close to the authorized levels, and a higher level may be helpful in the future for obtaining more funds.

4. The language in the House Bill related to repeated runaways should be supported. Youth advocates have long encountered arguments about "chronic status offenders." Several model programs exist and funding of these under this Act should be encouraged.

5. Transfer of unobligated funds under Title II to Title III should be opposed. As noted, such funds could be used to fund a standing delinquency prevention program or provide alternatives to incarceration. The current OJJDP Administrator appears to be making headway in eliminating this problem. He should be given an opportunity to obligate those funds.

6. Should the Administration propose a three year phase out of programs, you should be aware that the youth service community is divided on this issue. If it is the intent of Congress to expand services to runaway and homeless youth, some language that supports phasing out existing grantees is necessary, although exceptions should be allowed. Several of the current grantees have been receiving federal funds since 1973.

As you know, the President has placed a freeze on hiring new positions in the government. At the same time OJJDP maintains it needs an additional 50 staff slots to adequately run its program, which it will probably not receive. The current budget crisis leaves many services to young people on jeopardy, particularly those funded with LEAA funds. Given these conditions, the Congress should consider the following options:

1. Transfer the Runaway and Homeless Youth Act to OJJDP. The $11 million Runaway Youth Act has about 20 slots and the $100 million JJDPA has about 40. OJJDP is chronically understaffed, with no relief in sight. In the interest of economy and efficiency in national youth policy, the merger of these two programs should be given serious consideration. The runaway program would be transferred to OJJDP, the slots would be earmarked and transferred in the appropriations process, and HEW would be required to maintain its current level of youth services effort currently underway with non-Runaway Youth Act funds. A one year phase in should be set.

2. OJJDP should be transferred to HEW, merging the Youth Development Bureau into its program.

The rational from Sen. Hruska in 1974 was that LEAA already had a system in place, and therefore OJJDP should be there. It appears Congress is intent on dismantling that system, and seriously cutting back juvenile justice funds under the Justice System Improvement Act of 1979. If Congress is to phase out LEAA over the next few years, it would be more beneficial to have OJJP in HEW, which could provide the extensive support functions that would be no longer available to OJJDP. Even if LEAA should be cut in half, the support functions for OJJDP in LEAA are seriously jeopardized. This option would also have the 20 staff slots of HEW available to OJJDP programming.

Thank you for the opportunity to testify on this critically needed legislation. I would be happy to answer any questions.

PREPARED STATEMENT OF BARBARA T. SYLVESTER

Thank you Mr. Chairman. As the Vice Chair of the National Advisory Committee, I am pleased to have been asked to testify before you and this Committee today, and, the Senior Senator from my own State of South Carolina, Mr. St[illegible] Thurmond.

Since the NAC has submitted a summary of all its positions concerning Reauthorization to you along with the statement which I will read and submit for the record, I will confine my comments today to present the views of the National Advisory Committee which we believe are the most significant to the youth of this country through Reauthorization of the Juvenile Justice and Delinquency Prevention Act. I will then be pleased to answer any questions that you may have.

First, on behalf of Mr. C. Joseph Anderson, Chair of the NAC, and the full Committee, I wish to commend you on this excellent legislation. It addresses issues which the Advisory Committee has discussed during the year and many of our recommendations concur with those proposed in S. 2441, the "Violent Juvenile Crime Control Act of 1980." Your amendment which requires that an evaluation be conducted of aversion-type programs (such as "Scared Straight") is an excellent example of such concurrence.

Yet, as with any issue as complex as those before us, there are bound to be differences of opinion.

The NAC considered a recommendation to revise the JJDP Act to include an emphasis on the violent, serious, or chronic juvenile offender. Although this is an important issue, the Committee opposes such a revision in support of the existing legislation, which permits the use of its funds for programs targeted on violent and serious crime. Recent research indicates that the percentage of the known juvenile-related offenses involving violent and serious crime is very small. The Juvenile Justice and Delinquency Prevention Act has, and continues, to make important strides toward removing from the Justice System those youths who do not need its authority to habilitate themselves. We believe that the Act should continue to focus on these young people.

Furthermore, since the NAC has discussed the preliminary findings of the research conducted by the National Center for Juvenile Justice, which states: "that minority youth are referred to court more often, detained more frequently, and incarcerated at a higher rate than their white counterparts;" we stongly recommend that additional attention and resources be focused on the problem of disadvantaged and minority youth—including emphasis on the emotionally, physically and mentally disabled juvenile offender.

With respect to the structural position of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Advisory Committee recommends that the Act be revised to provide that the Office be a separate organizational entity under the Office of Justice Assistance, Research and Statistics (OJARS); and thus, on a par with the National Institute of Justice (NIJ), the Law Enforcement Assistance Administration (LEAA), and the Bureau of Justice Statistics (BJS).

We would support your amendments to delegate final authority to the Administrator of the Office of Juvenile Justice for carrying out the policy and provisions of the Act. However, we believe that the Office should be an independent arm (or separate "box") under the OJARS structure with provisions for the administrative authority and the support services necessary to properly carry out and manage the mandates of the Act.

We further support that the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) remain within the Office and maintain the integrity of its research functions by retaining its authority to conduct basic research.

One of the strengths of the Office, and in our opinion, a unique aspect of OJJDP compared to other federal agencies, is that programs are based on documented needs, and the results of these programs are evaluated to determine what has and what has not been effective. The mandated research, evaluation, training and information functions of the National Institute, within OJJDP, must not be lost.

We believe, Mr. Chairman, that OJJDP's mandate to provide the necessary resources, leadership, and coordination in order to improve the quality of juvenile justice and delinquency prevention efforts certainly warrants organizational parity with NIJ, LEAA, and BJS.

Given our present economic situation, inflation, and the limited resources available, it is crucial to demonstrate our commitment to youth at this time by giving the Office of Juvenile Justice the priority it deserves, as an independent agency under OJARS, lest it be lost in the reorganizational shuffle or diminished in the budgetary process.

Another issue of great concern to the National Advisory Committee is the detention of juveniles in adult jails or lockups. The Attorney General has proposed that ". . . in Reauthorizing the Juvenile Justice and Delinquency Prevention Act Congress absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trial are confined."

The NAC, in its Standards for Juvenile Justice, supports the Attorney General's proposal. Standard 4.26 states:

"Detention facilities should be located within the community from which they draw their population. Such facilities should not be on the grounds of an institution used to house adults accused or convicted of committing a criminal offense."

The harms and tragedies that result from the jailing of juveniles are well documented in the testimony of Dr. Rosemary Sarri and other experts, who were before the U.S. Senate Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary for Hearings on the Detention and Jailing of Juveniles (1973).

Placement of juveniles in adult jails under the condition that they are to remain "separate and apart" from the adults, has repeatedly failed.

In the study entitled "Children in Adult Jails: 1976", conducted by the Children's Defense Fund, 449 jails were visited in states with "separate and apart" provisions on the books, only 35.9 percent could assure substantial separation; 42.3 percent of the jails provided partial separation; and, 21.8 percent assured no separation whatsoever.

Mr. Chairman, we hope that your Committee will consider the reauthorization proposal presented by the Attorney General for further strengthening the intent of the Juvenile Justice and Delinquency Prevention Act by amending Section 223 (a)(13) to require the removal of juveniles from inappropriate facilities, and thus help to ensure that juveniles will receive the services and treatment they may require, as well as the safety to which they are entitled, while being detained.

Finally, the NAC supports the amendments in this bill which increase citizen participation and strengthen the role of the state Advisory Groups. We have also recommended an amendment which would provide for the representation of the SAG's on the National Advisory Committee. As a citizen trying to improve the juvenile justice system in my State of South Carolina, I know the importance of increasing the opportunities for Advisory Group participation at the local, state, and natioanl levels of government.

Thank you for the invitation to present the views of the National Advisory Committee today.

PREPARED STATEMENT OF PEARL S. WEST

It is with pleasure that I offer to the Constitution Subcommittee this testimony regarding the particular issue that has most confounded the State of California in its efforts to meet the requirements of the Juvenile Justice and Delinquency Prevention Act. The issue is that of separation of juvenile and adult offenders, as embodied in Section 223(a)(13) of the Act and as reflected in materials subsequently developed by OJJDP addressing the objective of the removal of juveniles from adult jails, lock-ups, and prisons.

The California Youth Authority has been in existence since 1941. Its enabling legislation was based on the Model Youth Correction Authority Act drafted by the American Law Institute. For over 35 years, the Youth Auhtority has operated as California's disposition of last resort for the juvenile courts and as an alternative for the criminal courts providing a rehabilitative and less punitive option than state prison for adult offenders under the age of 21. Pursuant to the California Youth Authority Act, all persons under the jurisdiction of the Youth Authority are responded to on the basis of their personalized treatment needs. An indeterminate approach to confinement periods, and institutional program placement is based upon individualized assessment of behavior patterns, educational and social history, competence and ability, for example, rather than simply age or court of commitment.

In 1974, of course, the Juvenile Justice and Delinquency Prevention Act was enacted. The provision with which the Youth Authority is most immediately concerned, the separation requirement, did not on its face recognize or otherwise speak to the youthful offender system concept. To the extent that we have been able to ascertain, the motivating force for the inclusion of the separation requirement was the well-founded concern that juvenile delinquents were subject to criminal contamination and/or physical brutalization as a result of being placed in jails and prisons in contact with hardened, mature, adult offenders. The existence of an alternative, such as a youthful offender system, for safeguarding young people was apparently either not brought before the Congress or was not seriously considered. It is apparent that there was no intent on the part of Congress at that time to create a conflict with the California Youth Authority specifically or with youthful offender systems generally.

In that regard, I have, in recent months, had occasion to review material that I believe was prepared by OJJDP concerning the rationale utilized in determining the required level of separation necessary for compliance with Section 223(a)(13). Such material is replete with references to the negative aspects of placing juveniles in adult jails and prisons. It refers to the negative self-image that accrues to juvenile offenders being "aggravated by impersonal and destructive nature of adult jails and lockups." It notes that "the occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lockup." In short, it quite clearly indicates that the traditional adult jail, lockup or prison was the focus of the implementation of Section 223(a)(13). A copy of this material is attached.

The youthful offender system that we have in California simply is not an adult jail, lockup, or prison. While most of the facilities are fenced, they are not highly secure, at least as that term is utilized to describe prisons. Lethal weapons are not available in these institutions. Staff do not wear uniforms. Staff of both sexes, performing all variety of supervising and counseling activities, work in and among the young people within our institutions. Notwithstanding the presence of a substantial number of young adults, who would, but for the existence of the Youth Authority, have been sentenced to state prison, our facilities are characteristic of juvenile rehabilitative facilities, rather than state prisons.

The record of our extended discussions with the Office of Juvenile Justice and Delinquency Prevention and with LEAA clearly establishes that the merit of the programs of the California Youth Authority has not been at issue. What has been at issue is the discretion of the federal authorities to recognize and sanction a youthful offender system. While the OJJDP has, during the course of our discussions, amended its position as to the criteria for separation to a certain degree, they have not been able to see their way clear to fully recognize the youthful offender concept. It is for the purpose of extending to the OJJDP discretion to so act that I appear before you today to urge a specific amendment to the Act.

Notwithstanding the fact that the quality of the Youth Authority's programs has not been put at issue by OJJDP or LEAA, I am not unmindful of the fact that there are those who do question our programs and who have recently done so via national publications. I do not doubt that their beliefs are sincerely held. It is most unlikely that anything that I might say before this committee would dissuade them from such beliefs. I can only extend to such individuals and organizations, as well as to this committee and any others who may be interested, our standing invitations to visit our facilities as hundreds of national and international visitors do every year, and to examine our programs so that such negative opinions as may still persist will at least be based on first-hand observation, rather than on emotion and hearsay.

In that same regard, I do not wish to be viewed as being in favor of anything less than the best possible programs and facilities for all young people, and I would be remiss if I did not bring to the subcommittee's attention the fact that there is nothing whatsoever about the separation requirement per se that guarantees or even promotes better resources for juveniles or young adult offenders. Separation in and of itself will not improve programs. If anything, it will, at least in the present fiscal climate in California, cause a reduction of the quality of programs as desperately needed resources would have to be diverted from present program uses to meet the considerable expense of the program duplication that would be necessitated by separation.

I am also aware that there are those who are of the opinion that California locks up an inordinate number of young people and that, were our confinement ratios more in line with the remainder of the nation, the difficulties presented by the separation requirement would not be as great. Again, I do not doubt that such beliefs are sincerely held. I, in fact, share the concerns over the numbers of young people, in California as well as elsewhere, who are in secure custody. I would point out, however, that just as we are currently in an era of anti-government fiscal revolt, we are also continuing to experience a seemingly ever increasing "get tough on crime" attitude on the part of the public, the judiciary, and the Legislature. It is simply not currently realistic, at least in the State of California, to expect any dramatic reversal in the trends of incarceration of offenders of whatever age. Those of us who are concerned about such matters are, at best, fighting a holding action.

In that connection, you may wish to be aware of the fact that my department presently administers a local justice system subvention program of approximately 60 million dollars, under which we provide funds to the counties to defray local justice system costs, with the entitlement of each county to such funds being dependent on the county not exceeding a prescribed number of persons committed to either the state prison system or to the Youth Authority. Via this program, we provide much needed dollars to the local governmental authorities, who then distribute them throughout the local criminal and juvenile jusice systems to support local probation departments, development of community alternatives to incarceration, and a variety of other local efforts. In fiscal year 1978–79, for instance, over four million dollars went to private community-based agencies and over 34 million dollars went to local probation departments for such purposes.

I would like to return, for a moment, to the issue of numbers of young people incarcerated within the state. There were, as of December 31, 1979, approximately 4750 young people within the facilities of the Youth Authority. Of that total, 2,663, or 56 percent, were committed to the department from the juvenile courts. Of the total of 4756, 1625 had not yet attained their 18th birthday. Most of the 1625 were juvenile court commitments, with a few being minors who had been waived to the adult courts and then, as an alternative to state prison, been committed to the Youth Authority. As of the same December 31, 1979 date, there were 6317 persons confined by the local authorities in juvenile halls or local juvenile homes, ranches and camps.

The point of the above, and again notwithstanding the concern that I share regarding the numbers of young people under secure custody in the state, is that the Youth Authority accounts for a relatively small proportion (approximately 1600 of a total of almost 8000, or less than 20 percent) of the minors who are being detained or confined in the state. Those who come to us have, for the most part, been given every opportunity to succeed at the local level prior to commitment to us. We are, in plain fact, the last resource available to the juvenile courts and, under California law, we may be so utilized by the juvenile courts only after all local alternatives have been considered and rejected.

I believe that it might be appropriate at this point to briefly comment on what I have perceived as an attitude on the part of those interested in this issue to hold the very highest degree of concern for juveniles while exhibiting minimal, if any, concern for those same individuals once they are a year or two older. The age of majority differs, of course, from state to state. Some states, I understand, place it as low as 16. Others are higher. I must confess to some difficulty with the notion that a 17-year-old juvenile in one state is worthy of concern, while a 17-year-old adult in another state is no longer a legitimate subject of interest. I have four sons. No doubt some of you are also parents of children who are over the age of 18, and I am sure that neither you nor I have lost interest in them as they have attained their majority. Young people are not precipitously projected into mature adults at the magic tick of the clock that marks their 18th birthday. Maturing is a gradual process, stretching over several years, varying from one individual to another. The 17-year old of today will be the 18-year old of tomorrow and it strikes me as tragic and illogical that we, the collective bureaucracy, should focus so closely on the class of individuals defined by laws as juveniles that we forget or ignore that the individual human beings who comprise that class will soon be adults, albeit young, immature, adults, and will for the most part, still have the same hopes, needs, and problems tomorrow that they do today. Moreover, with Americans increasing in longevity, a valid argument can be made for longer, earlier, investments in corrections as well as education.

Finally, I should also point out to the subcommittee, that there is nothing contained in the separation requirement that is directed toward the reduction of the numbers of young people confined at the state level. Separation will not reduce the need to remove certain individuals from society as decided by the public, the Legislature, or the courts.

It is my belief that the interests of the public, from both a fiscal and social view, and the interests of those among the young of our citizenry who run afoul of the law, would be best served by an amendment to the Act that would sanction, if not encourage, the youthful offender concept. These interests will be best served because the youthful offender concept accomplishes two primary and worthwhile objectives. First, it treats young people as individuals, rather than as categories, via the considerable flexibility it affords to respond to the needs of such individuals throughout their entire transition from childhood to mature adulthood. Second, it maximizes resources by providing a means to separate the serious juvenile offender from the less serious juvenile offender, and the less serious young adult offender from the more serious and mature adult offender, making it possible to respond logically to the needs of the individuals within those groups without unnecessary and wasteful deference to arbitrary classification based just on chronological age.

I offer such an amendment with full awareness of the existence of the divergent points of view noted previously, as well as with awareness of the oft-spoken concern that such an amendment will somehow open a "loophole," if you will, for states to circumvent the Act. The amendment which I am urging, a copy of which is attached to this statement, attempts to respond, in a reasonable fashion, to these concerns.

Basically, the amendment would leave in the law the separation requirement, with the further proviso that such requirement would not be deemed to be violated by a youthful offender system so long as certain conditions were met. The conditions are (1) that the state have an extensive array of local services available which would be required to be utilized for the particular juvenile offender unless such local services are, after individual consideration, deemed unsuitable for the juvenile by the court; (2) that the youthful offender system be a creature of state statute, not just administrative policy, and that it have rehabilitation as its statutory purpose; (3) that its availability be limited to juveniles who cannot be responded to in a satisfactory manner at the local level, and to 18, 19 and 20 year olds as well, who are deemed inappropriate for state prison; (4) that such system have a sophisticated classification system that evaluates the educational, social, psychological and physical characteristics and needs as a part of an individualized program placement process; and (5) that the youthful offender system be operated by a state governmental entity that is separate and independent from the state prison system.

The proposed amendment further requires that the Administrator of the OJJDP make an affirmative finding that all of the noted requirements have been met. The specific requirements, coupled with the responsibility placed on the Administration will, in my judgment, provide those safeguards necessary to assure that the interests of the public, the juvenile, and the youthful offenders are all met. Withdrawal from the Act may be the only reasonable alternative left to California and other states, should the federal government wish to be totally inflexible in its disregard of states' rights to determine the nature of juvenile corrections systems at the state level. In California, for example, where our 1979 and 1980 plans have been rejected and the state found out of compliance with the JJDP Act, funds to many local delinquency prevention programs may be embargoed because of the design of its historically effective state level juvenile and youthful offender corrections system. Faced with this situation, our choices are few—they include:

1. California's withdrawal from participation in the Act. This would mean the death of hundreds of local delinquency prevention programs which depend on JJDP funds. The California Youth Authority uses no JJDP funds for its institutional programs.

2. Statutory action by the state to dismantle the state's youthful offender correctional system. This would result in 2,000 youthful offenders presently in the California Youth Authority being removed from a rehabilitative system and added to the 23,000 adult prison population in California.

3. Administrative action to separate segments of the Youth Authority's population. This would result in a program duplication costing a minimum of $3 million and which may well lessen and certainly not improve the rehabilitative programs of the Youth Authority.

Finally, in support of the fact that the Congress apparently did not intend to usurp states' rights by dictating the exact nature of state level juvenile and youthful offender correctional systems, the OJJDP has had great difficulty in applying the separation requirement as presently stated. In California, for example, in 1978 it was mandated by OJJDP that California should separate its state level juvenile and youthful offender correctional population according to the court of commitment. In 1979, this decision was changed to mandate that we should separate those over 18 from those under 18. In conclusion, it seems to me that it is inappropriate to insist on the destruction of an effective youthful offender system at the state level in order to meet the separation requirement when it is very clear that even the definition of the age of juvenile varies among the states.

It would be appropriate at this point for me to speak to the provisions of Senate Bill 2441, the Violent Juvenile Crime Control Act of 1980. I am advised that the bill amends the law by, among other provisions, requiring that 19.15 percent of the total appropriation of Title I of the Justice Improvement Act be targeted for programs aimed to curb certain violent crimes committed by juveniles and by adding to the purposes of the 1974 Act the giving of additional attention to the identification, apprehension, speedy adjudication, sentencing, and rehabilitation of juveniles who commit violent crimes. I support such provisions. I believe that such recognition and effort directed toward that small percentage of minors who do commit crimes of violence is long overdue.

I would suggest, however, that the particular list of the five offenses to be the subject of the effort should be somewhat more comprehensive and should perhaps be defined by the Administration via the rule-making process, rather than by specific statutory list. Kidnapping, for instance, or forcible sex offenses other than rape, should not be overlooked. I should also point out that Senate Bill 2441 does not speak to the issue that is of primary concern to the California Youth Authority, the separation requirement. The perpetuation, if not furtherance, of the youthful offender system concept is, in my judgment, most consistent with the provisions of the Violent Juvenile Crime Control Act of 1980 and should be included in such legislation.

I do appreciate this opportunity to present our concerns to the subcommittee. I stand ready to provide whatever additional information the subcommittee may deem necessary to satisfy itself that our proposal is worthy of inclusion in the reauthorization of the Act. Thank you.

RATIONALE UTILIZED IN DETERMINING THE LEVEL OF SEPARATION FOR COMPLIANCE WITH SECTION 223(a)(13) OF THE JJDP ACT

Section 223(a)(13) of the JJDP Act states that juveniles alleged to be or found to be delinquent, status offenders and non-offenders shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. OJJDP's initial effort focused on determining and defining the level of separation necessary for compliance with Section 223(a)(13) because of a lack of clarity in the statutory language. In this effort OJJDP considered all possible levels of "contact."

Working from the premise that regular contact between juveniles and adult offenders was detrimental and should be eliminated in secure confinement facilities, the effort was directed at what types of contact should be prohibited. The levels of contact which were considered included physical, visual, aural, and environmental. These various levels of contact were defined as follows:

No Separation: Adult inmates and juveniles can have physical, visual, and aural contact with each other.

Physical Separation: Adult inmates and juveniles cannot have physical contact with each other.

Sight Separation: Conversation possible between adult inmates and juveniles although they cannot see each other.

Sound Separation: Adult inmates and juveniles can see each other but no conversation is possible.

Sight and Sound Separation: Adult inmates and juveniles cannot see each other and no conversation is possible.

Environmental Separation: Adult inmates and juveniles are not placed in the same facility. Facility is defined as a place, an institution, a building or part thereof, a set of buildings or an area whether or not enclosing a building, which is used for the secure confinement of adult criminal offenders.

A common thread which ran throughout this effort was an attitude which approached each of the issues from an advocacy posture on behalf of youth. Considerable attention focused on the traditional representation of police, jailers, the courts and correctional officials, as well as the taxpayers and the architects, in matters related to the elimination of regular contact (or establishing it in the first place). It was clear that from an operational, financial, and design perspective that a limited interpretation of regular contact, such as physical only, would be the most expedient, most convenient, and least costly alternative. Obviously, this is not what the Act intended. Throughout, the Act mandates an advocacy posture on behalf of young people on all relevant issues and seeks to provide a voice, or representation, for their interests in the planning and operation of the juvenile justice system. It is from this perspective that OJJDP addressed the issue of "separation."

A principle area of concern was the intent of Congress as developed in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency. The hearings on the Detention and Jailing of Juveniles in 1973 provided the following observations from the Senate Subcommittee:

> Regardless of the reasons that might be brought forth to justify jailing juveniles, the practice is destructive for the child who is incarcerated and dangerous for the community that permits youth to be handled in harmful ways.
>
> Despite frequent and tragic stories of suicide, rape and abuses, the placement of juveniles in jails has not abated in recent years. A significant change in spite of these circumstances has not occurred in the vast majority of states. An accurate estimate of the extent of juvenile jailing in the United States does not exist. There is, however, ample evidence to show that the volume of juveniles detained has increased in recent years. The National Council on Crime and Delinquency in 1965 reported an estimate of 87,591 juveniles jailed in that year. Sarri found that some knowledgeable persons estimate that this has increased to today's high of 300,000 minors in one year. Approximately 66 percent of those juveniles detained in jail were awaiting trial. The lack of any alternatives has been most frequently cited as a reason for detaining more and more youngsters in adult jails. (Subcommittee to Juvenile Delinquency, Committee on the Judiciary, U.S. Senate Hearings on the Detention and Jailing of Juveniles, 1973).

In expanding on this observation by the Senate Subcommittee, consideration was given to a variety of information sources including research and surveys, informed opinion and standards, state legislation, court litigation, and common usage in the field.

RESEARCH

Recent research and surveys formed a frame of reference concerning the extent of the problem being addressed and established a philosophical foundation for the consideration of "separation." It is important to note that the principle source of information used below was formulated by the Children's Defense Fund in their pioneering study of Children in Adult Jails (1976) and includes on-site survey of nearly 500 jails and lockups in 126 counties in nine states. This is an important consideration given the historical controversy which exists of Juvenile Corrections' Under Lock and Key which did not include the magnitude of on-site evaluation, but provides an exhaustive survey of the existing literature on the subject of juveniles in adult jails and lockups.

The studies found that the placement of children in adult jails and lockups has long been a moral issue in this country which has been characterized by sporadic public concern and only minimal action towards resolution of the problem.

It is suspected that the general lack of public awareness with respect to this problem and the low level of official action is exacerbated by the absence of meaningful information as to the extent of the practice and the low visibility of juveniles placed in jails and lockups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly conceived rationales. In fact, the time honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny. In reality, the aggressive, unpredictable threat to public safety perceived by the community is often small, shy, and frightened. The Children's Defense Fund indicates that 18 percent of the juveniles in jail, in a nine state area, have not even been charged with an act which would be a crime if committed by an adult; 4 percent have committed no offense at all. Of those jailed on criminal-type offenses, a full 88 percent are there on property and minor offenses. As is the case with all public institutions, minorities and the poor are disproportionately represented.

Not until 1971 did a clear and comprehensive picture of jails surface with the completion of the National Jail Census. By its own admission, the Census showed only a snapshot of American jails and the people who live in them. Significantly, the Census excluded those facilities holding persons less than 48 hours. This is critical with respect to juveniles in that is it the police lockup and the drunk tank to which juveniles are so often relegated under the guise of "separation." The Census did, however, give us the first clear indication of the number of juveniles held in jail. On March 15, 1970, 7,800 juveniles were living in 4,037 jails. A comparable census in 1974 estimated that the number had grown to 12,744. The inadequacy of the data is compounded when a determination of the number of juveniles admitted to adult jails and lockups each year is sought. Surveys conducted by the National Council on Crime and Delinquency and the National Assessment of Juvenile Corrections indicate that this figure ranges from 50,000 to 500,000. The Children's Defense Fund, in its study of children in adult jails, indicates that even the half million figure is "grossly understated" and that "there is an appalling vacuum of information . . . when it comes to children in jail." Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade.

While the arguments for placing juveniles in jails are fragile and founded on incomplete and contradictory information, the arguments against holding juveniles in jail are pervasive and along scientific lines. They are summarized below.

> . . . the "criminal" label creates a stigma which will exist far longer than the period of incarceration. This stigma increases as the size of the community decreases and affects the availability of social, educational, and employment opportunities available to youth. Further, it is doubtful if the community's perception of the juvenile quarters in the county jail is any different than that of the jail itself.
>
> . . . the negative self image which a youth often adopts when processed by the juvenile system is aggravated by the impersonal and destructive nature of adult jails and lockups. Research continues to document the deleterious effects of incarceration and the conclusion that this experience, in and of itself, may be a contributing factor to continued delinquent activity.
>
> . . . the practice of holding juveniles in adult jails is contrary to the development of juvenile law and the juvenile justice system which, during the past 79 years has adamantly emphasized the separation of the juvenile and adult systems.
>
> . . . the occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lockup.

In 1974, the National Assessment of Juvenile Corrections assumed and defended the position that "placing juveniles in adult jails and lockups should be entirely eliminated." Similarly, the Children's Defense Fund advocated, "to achieve the goal of ending jail incarceration of children, states should review their laws to prohibit absolutely the holding of children of juvenile court age in jails or lockups used for adult offenders."

STANDARDS

As early as 1961, the National Council on Crime and Delinquency stated that:

> The answer to the problem is to be found neither in "writing off" the sophisticated youth by jailing him nor in building separate and better designed juvenile quarters in jails and police lockups. The treatment of youthful offenders must be divorced from the jail and other expensive "money saving" methods of handling adults.

The President's Commission on Law Enforcement and Administration of Justice established that "adequate and appropriate separate detention facilities for juveniles should be provided." (The Challenge of Crime in a Free Society, 1967, Page 87.)

Subsequent national standards in the area of juvenile justice and delinquency prevention reaffirmed this position.

The National Advisory Commission on Criminal Justice Standards and Goals states that "jails should not be used for the detention of juveniles." (NAC Task Force Report on Juvenile Justice and Delinquency Prevention, Standard 22.3, 1976, Page 667.)

The American Bar Association and the Institute for Judicial Administration stated that "the interim detention of accused juveniles in any facility or part thereof also used to detain adults is prohibited." (IJA-ABA Juvenile Justice Standards Project, Interim Status, Standard 10.2, 1976, Page 97.)

The National Sheriffs' Association stated that, "in the case of juveniles when jail detention cannot possibly be avoided, it is the responsibility of the jail to provide full segregation from adult inmates, constant supervision, a well-balanced diet, and a constructive program of wholesome activities. The detention period should be kept to a minimum, and every effort made to expedite the disposition of the juvenile's case." (National Sheriffs' Association of Jail Security, Classification, and Discipline, 1974, Page 31.)

The American Correctional Association had not yet promulgated standards for Adult Local Detention Facilities but every indication pointed towards their adoption of a standard requiring at least sight and sound separation of juveniles and adult offenders. They were, in fact, later to state that "juveniles in custody are provided living quarters separate from adult inmates, although these may be in the same structure." (ACA Commission on Accreditation for Corrections, Manual of Standards for Adult Local Detention Facilities, Standard 5338, 1977, Page 177.)

While the statements by the NSA and the ACA fall short of requiring the removal of juveniles from adult facilities it is clear that anything less than sight and sound separation would not meet their requirements.

STATE LEGISLATION

Virtually all of the states allow juveniles to be detained in jail as long as they are separated from adult offenders. In addition, all states but Alabama, California, Colorado, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New York, South Dakota, Tennessee, Texas, and Washington adhere to the Interstate Compact on Juveniles, Article IX of which deals with detention practices.

> . . . to every extent possible, it shall be the policy of the states party to this compact that no juveniles or delinquent juvenile shall be placed or detained in any prison, jail or lockup, nor be detained or transported in association with criminal, vicious or dissolute persons.

The Children's Defense Fund in Children in Adult Jails (Page 40) circumscribe the placement of juveniles in jail. One standard approach is to require that children be separated from adult prisoners. "Separation, however, is not always defined in precise terms—sometimes a statute may specify that a different room, dormitory or section is necessary; in other cases, statutes provide that no visual, auditory or physical contact will be permitted. In still other states, the language is unexplained and vague. Although we have seen that one response to implementing this separation requirement is to place children in solitary confinement, legislatures seem not to have realized this would result, and a separation requirement is not usually accompanied by a prohibition on placing children in isolation. In fact, in none of the states studied did the statutes prohibit isolating children in jail.

"It is important to note that a clear and strongly worded separation requirement is no guarantee that children held in jails will receive services particularly geared to their special needs, i.e., educational programs, counseling, medical examinations, and so on. While many separate juvenile detention facilities are required by state statute to have a full range of such services, including sufficient personnel trained in handling and working with children, children in these same states who find themselves in adult jails are not required to be provided with a similar set of services.

"Some states, at least, appear to recognize that the longer a child is detained in jail the greater the possibility of harm. As a consequence, their statutes establish time limitations on the period that children can be held in jail; if some exist, extensions of indefinite duration are often sanctioned upon court order."

An analysis of the national practices to detain juveniles in jails present some problems since many of the states' statutes are ambiguous. From the face of the statute, it was often difficult to determine whether a juvenile was not allowed in a jail at all or if it was an acceptable practice as long as he/she was kept separated from adults. Ohio, for example, has a statute which says that in counties where no detention home is available, the board of county commissioners shall provide funds for the boarding of juveniles in private homes, but the statute also talks about the separation of juveniles and adults in jail.

The following sample of statutory language does provide strong support, however, for the common usage by the states in defining separation of juveniles and adult offenders in terms of sight and sound.

> Juvenile offenders shall not be detained in an adult jail facility unless totally segregated from the adult population. Total segregation mandates separation from sight and sound. Under no circumstances shall adult inmates be used to provide food services or janitorial services in the youth detention section. (Proposed Minimum Standards, State of Washington, 1977, and RCW 13.4.115.)
>
> . . . juveniles may be placed in an adult facility but in a room or ward. (Section 208.120.)
>
> If a juvenile detention facility is located within and as a part of a jail or other facility used for the incarceration of adults, the juvenile detention area must be so located and arranged as to be completely separated from incarcerated adults by sight and sound barriers. Contact or communication of any kind between detained juveniles and incarcerated adults is prohibited. (New Mexico Standards, 1973.)
>
> No child shall be held in a police station, lockup, jail, or prison except that, by order of the Judge, setting forth the reasons therefor, a child over 16 years of age whose behavior or condition is such as to endanger his safety or welfare or that of other inmates in the custody center for children, may be put in jail or other place of detention for adults, provided it is a room or apartment entirely separated from the adults confined therein. (Puerto Rico Statutes, 34 LPRA, Section 2007 c.)
>
> Provide for the separation of juveniles under age sixteen (16) from the sight and hearing of other inmates and the housing, outside of jails, of all juveniles age fourteen (14) or under. (Nebraska Revised Statutes, Section 43-212, R.R.S. Neb. 1943.)
>
> Written policy and procedure shall prescribe that only if absolutely necessary, under applicable statutes of this state, shall a child under the age of sixteen (16) be detained in any police station, prison, jail or lockup. However, if detention is authorized, such juveniles shall be housed completely separate from adults. Separation must be substantial architectural arrangements which permit no visual contacts. (Oklahoma Minimum Standards, 1977.)
>
> A detention center assures complete separation of alleged delinquents from adjudicated delinquents and adults charged with and/or convicted of a crime (Maryland State Statutes, Subtitle 8, Section 3-823.)
>
> Detention facilities shall be entirely separated and distinct from the ordinary jails, lockups or police cells. (Maryland Standards, 1976)
>
> Juveniles (14-18 years of age) should be segregated from the sight and sound of adult inmates. (Oregon Standards, 1973.)
>
> No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under

> 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law. (Illinois State Statutes, Section 702–8(1), 1971)
>
> Separate shall include lack of any auditory and/or visual contact or communication. (Illinois Standards, 1975)
>
> . . . may on order of the court, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults. (Michigan Statutes 712 A.16)
>
> When juvenile detention homes are not available and it becomes unavoidable to confine a juvenile in the county or city jail, it should be the jailer's responsibility to see that every protection is given the juvenile and that his experience in jail carries as little stigma and exposes him to as little harm as possible. This means that when detained in jail, juveniles should be kept fully apart from adults. (South Dakota Standards, 1970)
>
> . . . the separation of juveniles (if detained in facility) from sight and sound of adult inmates. . . . (Texas State Statutes, 1976)
>
> Juveniles shall be housed within the institution in a separate section from adults, to the extent that facilities will permit. If that is not possible, such detainees shall be housed in separate cells from adults. (Virginia Rules and Regulations, 1975.)
>
> Separate confinement. (South Carolina)
>
> Separate accommodations for juveniles and special staff to supervise juveniles at all times. (Florida)
>
> Absolute prohibition against placing 14–17 year olds in any jail or house of correction. However, juveniles can be detained in a police station or lockup with the written permission of the State Commission of Youth Services. (Massachusetts)
>
> When detention of juveniles cannot be avoided, the local detention facility shall provide segregation from adult inmates and adequate supervision. (Wyoming Proposed Standards, 1977)
>
> A child, pending a hearing, shall not be placed in an apartment, cell or place of confinement with adults charged with or convicted of a crime. (Arizona Revised Statutes, Title 8–226.)

This law is interpreted by most jurisdictions as prohibiting the detention of a juvenile under any conditions in a city or county jail or any police operated holding facility. However, some jurisdictions interpret the law more literally and allow youth to be held in the facility but in a separate cell or section or wing of the facility.

> A juvenile may only be held in such a facility if he/she is fifteen years of age or older, and then only in a room or ward entirely separate from adults. (Louisiana Revised Statutes, Section 13–1577 : 1975)
>
> . . . in no case shall a child be confined in a community correctional center, or lockup, or in any place where adults are or may be confined (Connecticut Statutes, Section 17–63.)
>
> A room separate and removed from adults so that the child cannot come into contact or communication with any adult convicted of a crime. (Ohio)
>
> . . . to be held "apart" from adults. (New Jersey)
>
> It shall be unlawful to hold a child in jail. (Pennsylvania Statutes, effective December 31, 1979.)
>
> Youth under 18 years of age are prohibited from being detained in a jail or other facility with the detention of adults. (D.C. Code—Civil Action No. 1462–72 : 1971)
>
> Juveniles shall be segregated from the rest of the jail population so that there shall be no visual or audio contact. (Maine Standards, 1977)

While some states had enacted legislative restrictions prior to the passage of the 1974 Juvenile Justice and Delinquency Prevention Act, the majority of the legislative activity on this subject was in response to the mandates of the Act. More significantly, the legislation enacted since 1974 has removed many of the ambiguities which have plagued the earlier legislation. In addition, states have moved increasingly to an outright prohibition on the jailing of juveniles rather than the traditional response of merely separating within the facility. These recent trends are particularly evident in the states of Maryland, Washington, and Pennsylvania, all of which have legislated an outright prohibition on the jailing of juveniles on January 1, 1978; July 1, 1978; and December 31, 1979, respectively.

COURT LITIGATION

Court litigation in this area has been limited but indications point to increased activity in states which are not moving towards corrective legislation.

A recent Federal court ruling held that although the Constitution does not forbid all jailing of juveniles in adult facilities, a statute of Puerto Rico violates due process by permitting the indefinite jailing of juveniles in adult facilities without some form of notice and hearing prior to the confinement decision and violates equal protection by permitting a child to be punished indistinguishably from an adult without the same procedural safeguard. The court refused to hold that custody of juveniles in adult jails is, in and of itself, cruel and unusual punishment under the Eight Amendment. Significantly, however, it noted the "disturbing evidence that conditions in these adult institutions may not, in fact, be minimally human," and as such reiterated that had the case before the court been directed toward the adequacy of the conditions in the particular institution, rather than the statute authorizing such incarceration, they may have found for the Plaintiff on the grounds of cruel and unusual punishment. (*Osorio* v. *Rios*, 429 F. Supp. 570: DPR 1976)

On the subject of separation of juveniles and adult offenders in correctional facilities, the court in *O——H——* v. *French* (504 SW 2d 269: 1974) relying heavily on *Edwards* v. *McCauley*, (784 NW 2d 908) 1971, stated that juvenile offenders who present serious disciplinary problems may be transferred and housed within the geographical confines of an adult institution "provided they are sufficiently segregated from other inmates and are provided a specially prepared treatment program appropriate to their needs." Several other state level cases have stated this requirement and *State* v. *Kemper*, App., 535 SW 2d 241, emphasizes that this separation must be sufficient to protect the minors from the adverse influence which adult prisoners might have upon them.

COMMON USAGE

This area of examination in seeking a definition of "separation" concerns the criteria utilized by the U.S. Department of Justice in previous years with respect to the placement of juvenile offenders in adult facilities. This includes the criteria utilized by the Law Enforcement Assistance Administration in its review of applications seeking funding under the 1971 Part E Amendment to the Omnibus Crime and Safe Streets Act and the Public Works Act of 1976. The criteria utilized with respect to the 1,000 plus applications is stated as follow:

> Part E review criteria defines regular contact to permit no more than haphazard or accidental between juveniles and incarcerated adults so as to effect as absolute a separation as possible. This includes separation at intake, separate living, dining, recreational, educational, visiting, and transportation facilities, as well as separate staff operating under court approved guidelines on a 24-hour basis.
>
> It should be emphasized, however, that these provisions constitute the minimally acceptable criteria for compliance with the Part E legislation and should be considered only as a last resort. The National Clearinghouse recommends that alternative strategies be developed to facilitate the complete removal of juveniles from adult detention facilities. These strategies should include the consideration of emergency foster care, home detention, shelter care, and regional juvenile detention, as indicated by a comprehensive survey and analysis of the juvenile detention population and available community resources.
>
> The importance and utility of the complete removal of juveniles from adult detention facilities is attested to by the unequivocal support of the emerging national standards in juvenile justice and documented by the effectiveness and efficiency of successful program examples in both rural and urban areas of the country.

This criteria, as applied by the National Clearinghouse for Criminal Justice Planning and Architecture, means sight and sound separation.

Another example, as the Children's Defense Fund points out, in findings and policy of the DOJ's Bureau of Prisons.

> Juveniles do not belong in a jail. However, when detaining a juvenile in a jail is unavoidable, it becomes the jailor's responsibility to make certain that he is provided every possible protection, and that an effort is made

to help him avoid any experiences that might be harmful. This means that the juvenile must always be separated as completely as possible from adults so that there can be no communication by sight or sound. Exposure to jailhouse chatter or even to the daily activities of adult prisoners may have a harmful effect on the juvenile. Under no circumstances should a juvenile be housed with adults. When this occurs, the jailor must check with the jail administrator to make certain that the administrator understands the kinds of problems that may arise. There is always a possibility of sexual assault by older and physically stronger prisoners, with great damage to the juvenile.

Keeping juveniles in separate quarters is not all that is required. Juveniles present special supervisory problems because they are more impulsive and often more emotional than older prisoners. Their behavior may therefore be more difficult to control, and more patience and understanding are required in supervising them. Constant supervision would be ideal for this group and would eliminate numerous problems.

Juveniles in close confinement are likely to become restless, mischievous, and on occasion, destructive. Their tendency to act without thinking can turn a joke into a tragedy. Sometimes their attempts to manipulate jail staff can have serious consequences. A fake suicide attempt, for example, may result in death because the juvenile goes too far; no one is around to interfere. (U.S. Bureau of Prisons, The Jail: Its Operation and Management, Nick Papas, Editor, Washington, D.C.: 1971)

While the language of the Act appeared to restrict the use of "environmental" contact as the appropriate level of separation required for participation in the formula grants program, it was nonetheless the position of OJJDP that this was, in fact, legitimate and the most likely and eventual level of separation which would be required by the state legislature and the courts. Further, there appeared to be ample evidence that "sight and sound" contact with adults produced many of the negative conditions which Congress sought to elimiante in Section 223(a)(13). These include the stigma produced by the negative perception of an adult jail or lockup regardless of designated areas for juveniles, the negative self-image adpoted by or reinforced within the juvenile placed in a jail, the often over-zealous attitudes of staff in an adult facility, the high security orientation of operational procedures, the harshness of the architecture and hardware traditionally directed towards the most serious adult offenders, and the potential for emotional and physical abuse by staff and trustees alike. In this same vein, it was felt that any acceptable level of separation within adult jails would not only be a costly architectural venture if adequate living conditions were to be provided, but would be virtually impossible in the majority of the existing adult facilities. The specter of a Supreme Court decision prohibiting the jailing of juveniles would have the cumulative dollar effect in the hundreds of millions if a policy of separation within the facility was vigorously pursued.

Another area of considerable discussion and common concern where the dangers inherent in any level of separation short of complete removal. These dangers included the potential for isolation of juveniles in adult facilities under the guise that they were technically separated by sight and sound. While such movements at the state and local level would constitute violations of constitutional protections and be accomplished to the detriment of juveniles admitted to the particular facilities, past experiences with compliance matters made it clear that such technical deception would most likely occur in selected areas. This practice, however, is clearly addressed in the Federal Juvenile Delinquency Act (18 USC Section 5031 et seq. 7976 Supp.). While it applies only to juveniles being prosecuted by the United States Attorneys in Federal district courts, it nonetheless underscores the intent that "every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care; including necessary psychiatric, psychological, and other care and treatment." Its conspicuous use of the terminology similar to the Juvenile Justice and Delinquency Prevention Act concerning "regular contact" gives credence to the notion that these minimum custodial provisions are under any scheme of separation.

This is further supported by recent court litigation which has been that isolation of children in any facility is not only unconstitutional but is "cruel and inhuman (and) counterproductive to the development of the child." (*Lollis* v. *New York State Department of Social Services*, 322 F. Supp. at 480).

PROPOSED AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

§ 223(a) (13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges ***except that this paragraph shall not be deemed to be violated by a state youthful offender system if the Administrator of the Office of Juvenile Justice and Delinquency Prevention determines that:***

(a) the youthful offender system is established pursuant to state statute for the purpose of providing rehabilitative treatment for persons committed to it; and

(b) the youthful offender system accepts for rehabilitative treatment juveniles who have been found to have committed criminal offenses as well as young adults who have been convicted of crimes and who have been committed by the criminal court to the youthful offender system as a rehabilitative alternative to a sentence to state prison; and

(c) there is in the state system of local and community dispositional alternatives which must be considered by the juvenile court and deemed unsuitable for the juvenile offender before the juvenile may be committed to the youthful offender system; and

(d) youth adults committed to the youthful offender system shall have been under the age of 21 at the time of apprehension for their commitment offense and shall not be retained in the youthful offender system beyond the attainment of 25 years of age; and

(e) the youthful offender system provides for the placement of individuals committed to it within particular programs based on their educational, social, psychological and physical needs as determined by diagnostic study and analysis of educational, social, psychological and physical factors; and

(f) the youthful offender system is operated by a department of state government that is separate and independent from the department of state government that is responsible for the operation of the state adult prison system.

Ms. JOLLY. May we have the next panel please?

Joseph Benton, director, South Carolina youth services program, with Ms. Kelly Hiott, youth member, Sister Barbara Scanlon, Ms. Donna Jones, from the Boston Network of Alternative Runaway Services—she is the director—Mr. Doug McCoard, who is the director of Huckleberry House, and if we could also please have Ms. June Bucy, the director of the Youth Shelter Service of Galveston.

PANEL OF: JOSEPH BENTON, SUPERVISOR FOR RESIDENTIAL CARE, SOUTH CAROLINA YOUTH SERVICES; SISTER BARBARA SCANLON, DIRECTOR, BOSTON NETWORK OF ALTERNATIVE RUNAWAY SERVICES; W. DOUGLAS McCOARD, DIRECTOR, HUCKLEBERRY HOUSE, INC.; KELLY HIOTT, YOUTH MEMBER, COLUMBIA, S.C.; DONNA JONES, YOUTH MEMBER, BOSTON, MASS.; AND JUNE BUCY, DIRECTOR, YOUTH SHELTER OF GALVESTON

Mr. BENTON. I personally appreciate having an opportunity to testify.

Ms. JOLLY. We apologize that neither Senator Thurmond nor Senator Bayh are here right now. They were expecting to be, but with the votes on the floor it is impossible.

Mr. BENTON. I am here representing Crossroads, which is a runaway shelter which is a part of the Youth Bureau Division of the South Carolina Department of Youth Services.

Crossroads was established in 1975 to provide shelter and social services to runaways, homeless youths, and pushouts. The program is located in Charleston and serves the surrounding counties in the southeastern corner of the State of South Carolina.

The shelter is open 24 hours a day, 7 days a week, and the program serves over 360 residents per year.

The facility has a capacity of 10 beds. However, phone contact with families in crisis, which is part of the prevention effort, swells the actual clients being served to close to 500 a year.

During our years of operation, much data has been generated which will lead to implications for further programs. A few of these facts include that 78 percent of the youth served are between the ages of 14 and 16, in our program.

Some 69 percent of our youth served have natural parents either divorced, separated, never married, or one or both of the parents are deceased.

Fifty-two percent of the runaways we serve are first-born children, and 64 percent are either the first or second born.

Sixty-two percent of the children served have run two or more times.

The implications of this basic data is quite clear in terms of prevention efforts. We, as social service providers, have nearly 14 years to begin preventive efforts; however, if we wait until a child reaches the age of 14, there is a high likelihood that he will run more than one time.

In order to combat this, my staff, on their own time, have made a concerted effort to address school classes, school assemblies, and children-oriented groups.

The earlier children understand and know about the program, and these chidlren know that there are children and adults who care for their well-being, the quicker we can get services to them.

Further, this year, we have established a youth advisory council. For too long children have had a token role and say in the programs that work for them and affect their lives. They have been overshadowed by adults in making their needs known. The advisory council serves the need for youth input.

There are numerous incidents that preventive efforts should be focused on. One-parent families are families in trouble.

The emphasis should be on providing supportive services to these parents and on the first-born children. So to address this need we have attacked on two fronts.

First, we now provide family group therapy in the homes of many of our ex-clients in the hope that we will prevent future difficulties.

Further, special emphasis is being placed on minority families. For the next 2 months, our staff will be receiving training in how to deal with the special problems of minority families.

While this training is happening, a minority program is being worked out with a currently operating program as a subcontractor, to provide services to minority families.

Because of the time limitations, I want to skip from programmatic to legislative implications which will have impact upon our South Carolina programs.

The recent move to deinstitutionalize, and hopefully, to eventually decriminalize, status offenders have other implications for the future.

For a long time, Crossroads was, and still is, one of the few resources that serves as an alternative to detention.

South Carolina, like so many States, has done exceptionally well in keeping status offenders out of institutions, thanks to the efforts of the youth bureau division, but in order to keep status offenders out of detention, more community alternatives are needed.

What is happening is that the legislative reforms in the areas of status offenders are far outpacing the ability of social service delivery systems to respond to the needs of children.

Shelter programs have proven effectiveness. Expansion of these programs will be needed as legal authorities are forced to use alternatives rather than detention.

Without alternatives, police, judges, and State legislators may be forced by public opinion to take steps backward in our care of status offenders.

The final point I would like to make is that the burden of support of the shelter is falling more and more upon States and localities.

Thanks to the funds provided by this committee, these increases have become possible because Federal funds have legitimized the local programs.

However, States and localities, at the present time, cannot support these programs 100 percent. Inflation is eating into the ability to serve. For example, in order to meet the bills next year, I am even being forced to lay off a person for up to 6 months just to meet our budgetary needs.

Some part of the program will have to go lacking and maybe the one child we could have served and saved from the agonies of a bad childhood might go lacking for services.

Also, there is a psychological uncertainty of funding. The staff hangs on by faith. They do an excellent job out of love.

For this reason I am emphatically in support of the 5-year reauthorization and provision of whatever extra funds can be allocated.

I want to thank you for a chance to speak and also thank you for past support and I urge it for the future.

Thank you.

Ms. JOLLY. Thank you. Did you want to introduce Kelly or, Kelly, do you have a short statement you would like to make about your experience in the runaway home you were in?

Mr. BENTON. Yes, I would like to introduce Kelly, an ex-resident of the Crossroads program, who still receives assistance from the program.

Ms. JOLLY. Would you like to tell us how you first came to some of the runaway centers and the foster homes that you have lived in, and your experience?

TESTIMONY OF KELLY HIOTT

Ms. HIOTT. Well, I was 14, 2 years ago. I am 16 now. Me and my mom had a fight, so my social worker took me to Crossroads.

Ms. JOLLY. Have you been in jail before?

Ms. HIOTT. Yes, ma'am.

Ms. JOLLY. How many times?

Ms. HIOTT. Six.

Ms. JOLLY. What for? Can you tell us?

Ms. HIOTT. Running away.

Ms. JOLLY. Then were you taken out of your home and put in foster homes or did you get to a runaway shelter?

Ms. HIOTT. Except for the last four foster homes I have been in, they just took me out of my home and put me in the foster homes.

Mr. BENTON. How many foster homes have you been in?

Ms. HIOTT. Eleven.

Ms. JOLLY. You have been in 11 foster homes?

Ms. HIOTT. Yes.

Ms. JOLLY. Can you tell us why you ran away from home?

Ms. HIOTT. We had a lot of financial problems, not enough money and stuff. My mom and dad, stepdad, they took it out on us, the kids, because of the problems. I didn't have anybody to talk to, you know. I would just leave. My older brother and sister both ran away, too. So, I just followed after them.

Ms. JOLLY. Have you found out that Mr. Benton and his people at the Youth Services help you and your family?

Ms. HIOTT. Well, they counseled me and my sister, but my parents are divorced and my mom, she would not have nothing to do with us while we are in the foster home right now. We talk, but she doesn't like it or anything. They couldn't get my mom and dad to counseling. They won't agree to it.

Ms. JOLLY. Do your foster parents participate in the counseling program with you?

Ms. HIOTT. Yes. My foster dad is a volunteer at Crossroads, besides his other employment. My foster mom is a counselor at Crossroads.

Ms. JOLLY. Thank you very much. We really appreciate your coming.

Sister Barbara Scanlon, who is the director of the Boston Network of Alternative Runaway Services, and Donna Jones. I am sure that if Senator Bayh were here, he would give you a warm welcome on behalf of the Senator from Massachusetts.

TESTIMONY OF SISTER BARBARA SCANLON

Sister SCANLON. Thank you. We realize that the Senator from Massachusetts has other business at this time. [Laughter.]

We would like to thank you for allowing us to share some concerns about runaways and homeless young people. We are grateful for your kind support. We solicit your continued help.

In New England, and I am the only person from New England here, there are 11 centers at present, funded by the Runaway Act.

In Boston, we have the Boston Network of Alternative Runaway Services which is made up of two separate runaway programs. I am a counselor at The Bridge, Inc., and I would like to speak with you about that program in particular.

Because of your support, Bridge has received a great deal of credibility locally when we request additional funding from such places as the Department of Mental Health, the United Fund, and local businesses and foundations.

Bridge itself is a multiservice, multicomponent, community-based program. We will celebrate our first decade of existence in June of this year.

Bridge's target population is runaways and homeless youth. Our goal has always been to act as a bridge between the young people, their families, and the various segments of society.

The backbone of the program is the street-work component. Street workers frequent the various areas of greater Boston, hoping to intervene very early in young people's lives. They work in the late afternoons. They work in the evenings. Each of their areas has its distinctive attraction.

The Bostom Common is a large grassy area which attracts young people. Harvard Square is exciting. The combat zone—young women are exploited there. In the bus station area, young men whose sexual identities are not defined, make their money by hustling.

Last year, Bridge street workers made 16,426 contacts. To back up the street workers, we have a free mobile medical van which goes out 5 nights a week, from 7 to 11 p.m.

This is staffed nightly by a volunteer doctor, two volunteer nurses, and a Bridge worker.

Last year they made 1,940 medical contacts, and over 5,043 nonmedical visits to the van.

The van is not designed to give comprehensive medical service, but is more designed—as it is very visible, very concrete—to bring the medical community in touch with the young people who are out there.

We deal with runaways. Runaways are only a part of the population that we see. We see different youngsters. Bridge workers define these youngsters in many ways.

He or she is about 17 years of age or younger. He is habitually absent from school. In January 27, 1979, there was a report presented by the group of parents, an advisory council. They are set up to monitor the desegregation in the Boston schools. They determined that 22 percent of youngsters are absent each day. That means 1 out of 5. Where are they? What are they doing? What are they into?

So, back to the combat zone. I think it is pretty normal for young persons to be down there peeping, to see what they can see in that area, but when they are down there hour after hour, it begins to concern the community.

It may be very normal to hang out, as they say, in the Common, but after a while there are other folks out there who are interested in meeting these youngsters and offering them alternatives.

So the street workers are out there to offer them better alternatives

We have the young person who is at home for a while and is out for a while and home for a while. Very often this person results in a hardcore street youth. It is pretty hard to classify children in their teens as hardcore street persons, but they are out there in great numbers in the cities and on the streets of Boston.

Who are these hardcore kids? They may be throwaways. The parents don't want them there. They may, for reasons known only to themselves, refuse to go home.

They may have eloped from one of the Commonwealth's protective or judicial systems, a foster home, a group home, a mental health facility, a detention facility.

These are the youngsters that we see.

Our job, as we see it, is to offer alternatives so they aren't out on the street, so they aren't runaways. We do it in various ways. We also have a home front project which deals with young women who are pregnant, young women who have a child, teaching them parental skills so the cycle in some way will be discontinued.

We run workshops and schools for clients, teaching them coping skills, stress skills, how to deal with their peers. We work with teachers and families on how to pick up the warning signs—that Senator Bayh mentioned earlier—so we can prevent the actual running away.

Donna is a person who became involved in our program and now Donna is the coordinator of the youth participation program. I think she can tell you firsthand what runaway programs do.

Ms. Jolly. Hi, Donna.

TESTIMONY OF DONNA JONES

Ms. Jones. Hi. When I first came to Bridge, I was a homeless youth and was using drugs. I was referred to the drug counselor there. We worked out some of my survival needs.

Ms. Jolly. Were you using legal drugs or illegal drugs?

Ms. Jones. I used all kinds of drugs, whatever I could get.

Ms. Jolly. Alcohol?

Ms. Jones. Yes. Then I met with a Bridge counselor twice a week to deal with my drug problem. Later I got involved in the youth participation program at Bridge. There was one other youth that was involved in this program. We would volunteer for a month and after that we received a small stipend for a month and then we got on payroll.

This is the first job I ever had and I learned how to type. I learned general office procedures. Then, after a year, I joined the Bridge staff as administrative assistant.

I assisted the business manager keeping books, collecting statistical data, and typing proposals.

In May of that year, I left Bridge and I got a job as assistant bookkeeper at a courier service in Boston.

In August, I was asked to come back and run the youth participation program.

Ms. Jolly. How old are you now?

Ms. Jones. I am 20. This program hires 10 kids and they work part time in the agency. They are either encouraged to go back to high school or they study at Bridge for their GED. They are involved in weekly meetings and counseling sessions.

What we are trying to do is give them good work habits and then set them up in jobs in the community.

Ms. Jolly. Is that difficult now, finding jobs in the community?

Ms. Jones. Well, we have one in the process of getting a job in the police station.

Ms. Jolly. You are working from the inside this time. [Laughter.]

Ms. Jones. It is working.

Personally, I strongly believe in this type of program.

Ms. Jolly. Senator Bayh does, too.

Ms. Jones. Yes. I think that youth need support services outside of traditional agencies, because when you are out there and you are not hooked up in schools and you are not hooked up in child services or welfare services, these are the kinds of programs that are less threatening for your approach.

I just think it has been a great experience for me to get involved with Bridge. It has been very valuable in my life. I would like to see a lot of other kids have this service available to them.

Ms. Jolly. We certainly would too. Thank you very much.

Ms. Jones. Thank you.

Sister SCANLON. I would just like to add that we are very much in favor of the S. 2441 and we do want to commend the Youth Development Bureau for their handling of the runaway fund up to this point.

Ms. JOLLY. Thank you very much.

We will turn to June Bucy.

TESTIMONY OF JUNE BUCY

Ms. BUCY. My name is June Bucy. I am the director of the Youth Shelter of Galveston. Kitty is with us. She has been in our program several times.

I would like to respond to a statement that the Senator made in his introductory remarks when introducing the bill. He saw the problems of troubled young people both in terms of human emotion and finance.

I think as program people we see them in those same terms. Our answer is in human, caring attention to the pressing needs of youth and in carefully administered programs that are cost effective.

Part of our cost effectiveness may be that we don't have enough money to be very lax with it, but we have found and invented and shared ways that moneys can be used more effectively.

We find that our program, and I think many others across the country, are tied in with the juvenile justice system so that this bill, that includes moneys to the justice system as well as to runaways, is a coherent bill within itself.

In Galveston, the year before our program opened, there were over 800 young people in our county jail.

The year the shelter had opened, that number was reduced to less than 200. There were some other factors involved, but they were factors of community working together and supportive relationships between agencies and, we were a real part of that, along with keeping some 400 of these young people in our program.

One of the things that we do in our community coordination is provide support to other agencies so that child protective people, law enforcement people, health service people, and others can give the young person the services that they need and the young person is in a place that is safe and good for him to be while other agencies are doing their work.

Without us, they cannot work as effectively. We have managed to find a lot of ways to share and support each other.

Our programing at the shelter is much like what I have heard from other people today. We have some things perhaps that are more or less highly developed. For instance, we have a school. The kids in our program are in school 5 or 6 hours a day. The school is on our campus in a special room. The teacher is supplied by the State system, through a grant administered by our local school district.

We find that the youth learn. In this brief time they can get a lot of basic skills and can often begin to see the value of school.

We also know that the attendance they can establish there enables them to go back into their own schools without losing attendance time. This often means that a year is not lost, or a child is not discouraged that he drops out altogether.

We do a lot of training in our programs for future professionals. People serve internships and get college or university credit. They also learn about the severe lack of programing for young people as well as the kind of needs that youth and families have.

One of the things that has been most important to us in our program has been the technical assistance and training that has been provided through the contracts that are available to the runaway programs.

We have, through those training opportunities, developed and shared skills and almost invented a way of dealing with young people that we had not dealt with in our social services system before.

We have managed, not only in our own program, but within similar programs, to share those skills. Our networking efforts across our State and region have been greatly assisted by the technical assistance program. I am very glad those programs are still in the bill.

I would like to quickly share some things that some young people told to me one day when I was questioning them about: What does it mean to you to be at the shelter? What have you learned? Does it add up to anything?

There were several kids there that day, and they said some things that really helped me to understand that our programs are effective, and that the youth are getting the things that they need.

One young woman from a middle-class home said it was the first time she ever really had to share with other people. She came from a home where she thought she was not getting a very good shake, where the rules were too strict, and so forth.

For her to live with people who had much grimmer experiences than hers, for her to have to stand in line to use the bathroom, to eat food that was not prepared by servants, was a really new experience and one that enabled her to appreciate her home better.

Another young woman in this conversation had been through an experience in the shelter that we all have when the behavior of the kids is not so great, and people have to work with them on what had happened.

She revealed that this was the first time she had ever seen adults who were angry, who had something to be upset about, but who did not turn to violence and abuse.

Most of our young people have come from homes where, when something has happened, you either get drunk or you hit somebody or you get very abusive in your language.

For them to be able to live in a setting where adults can deal with their anger in more appropriate ways is a real revelation to them. Dealing with anger is a skill that can be learned, and one we work hard to teach.

Another young man, who had been in our program and had run away from us and then had come back on his own, said that he had learned some things. On the streets when he was out of money and had no way to meet his needs, he would just sort of sit down in an alley somewhere and think about the time he had spent with us and say, "Boy, what would Betty do now, or what would Larry tell me to do?" He could recall the things they had said or he would think of what their advice to him might be.

He said, "You know, I would think about it, and I would try it and it worked every time." He realized after a few months of living on the street that he couldn't make it and he came back voluntarily so that he could get back into school and get on with living his life.

He said, during those intervening months, the things he had learned in the shelter really tided him over.

Then at that time, we had a young woman who had been severely abused. She had been tied up and beaten with chains. She had been raped by several people who were members of her family.

She said, when she came to us, she thought she deserved this treatment, that having suffered abuse all her life, the only thing that she could understand was that in some way she was very bad, and that what had happened to her was what should have happened.

That is really the only rational thing that young minds can come up with in abusive situations—that they are bad and, therefore, they deserve this treatment from the adults who are abusing them.

She said that she learned from us that she was not bad, that she was a person who could care about herself, a person who could amount to something. She was in and out of our program several times and she was in a series of other placements. Through it all she learned the shelter would always be home. The relationships that she had there with caring people would be the one that would carry her through.

I think those are the kinds of experiences that young people do have. They are the kinds of things that our programs are doing.

In answer to the questions the Senators asked, yes, they can all be answered. We are doing those things. We are tied into the schools. We do work with preventive programs.

Our family therapy program last year enabled us to cut our runaways almost a fourth in our county. We are doing those things the Senator wondered about, and they are really working. We appreciate your help.

Ms. Jolly. Thank you very much.

Kitty, would you like to make some comments?

Kitty. I was adopted at the age of 6. I was both sexually and physically abused by my parents. I was also very neglected. At the age of 13, I had had enough, so I left home and I went to child welfare. They put me in my first youth home.

I have learned that youth homes are really very good because they have given me the love that I have never got at home. They gave me a happiness. They have given me food and clothes and shelter. For a while, I was living out on the streets. It was about 3 months. I really couldn't make it because when I didn't have any money, I couldn't eat. I was suffering from malnutrition for a while.

I went back to the Galveston Youth Shelter. I didn't know it, but I had hepatitis. They paid for my hospital bill and everything. If it wasn't for youth homes, I may not be around right now, you know. I probably wouldn't. I don't know.

Ms. Jolly. We are glad you are.

Kitty. So am I. I have a lot of friends that did not receive help from these homes. They tried to make it on their own. Most of them I know either turned out to be drug addicts, alcoholics, prostitutes, that is female and male, and a few of them have ended up dead, too.

I really think if it wasn't for these youth homes, kids just couldn't make it. It is really hard sometimes to get along with your family. I know that from experience.

My sister is still living with my parents, but she is scared to tell anybody what is happening to her. It is still going on. She is afraid of them. She won't say anything to anyone. I worry about her all the time. I am not allowed to contact her. My adopted parents said I am not allowed to talk to her, to anybody in the family, for that matter. I don't know if she is alive right now or what.

Ms. JOLLY. Thank you very much. We appreciate that.

Ms. BUCY. I would like to emphasize one thing that Kitty has brought out that is all too true. Young people on the street are almost universally denied medical services. The program of the Bridge is a marvelous program, but it is not available to young people across the country.

A runaway simply cannot get health care in this day of malpractice insurance and so forth. Hospitals and doctors just will not give those young people the care that they desperately need.

Ms. JOLLY. That is another reason why we would like to be able to provide more money for this program. As you know, the $11 million we have had every year for the past 4 years will probably only buy us about $7 million of services this year when you factor in inflation, and by next year it will be even less.

So, we hope to have an increase in the budget, and Senator Bayh will support an amendment to that effect.

Ms. BUCY. One correction. We did not pay for Kitty's hospitalization. We, in good youth work practice, scrounged that one.

Ms. JOLLY. Thank you.

Mr. McCoard, of Huckleberry House?

TESTIMONY OF DOUGLAS W. McCOARD

Mr. McCOARD. I thank you. I appreciate the opportunity to speak to the committee on the Runaway Youth Act reauthorization. My name is Doug McCoard. I am director of Huckleberry House. I have been director for about 10 years.

I have presented some written testimony to you with some program documentation, which I am not going to repeat here.

What I would like to do is just offer some perspectives as I look at the runaway situation, as I look at young people in general.

I guess the first thing that really comes to mind is that the major problem of juvenile justice, the major problem with runaway youth is that they grow up. They are the one group of second class citizens who have the option of growing out of it.

Because they grow out of it, they don't want to remember what it was like to be a second class citizen.

Ms. JOLLY. That really is not part of the problem. It is a part of the solution; isn't it?

Mr. McCOARD. I think so.

Ms. JOLLY. We are a part of our own solution.

Mr. McCOARD. I think so. The problem happens that those of us who are over 18, as we get older and older, we forget what it was like when we were younger and younger. We as adults continually create institutions that are unkind to young people.

We look at ourselves and we say, "Gee, what solutions can we come up with?" We fail to ask the people most important, and that is the young people themselves.

We heard from a number of young people this morning. I would like to suggest two things. One, that while these young people are very articulate, they are not atypical. There are a lot of very capable young people.

I would like to talk about leadership for a second. I think leadership is a very, very important quality. To be truly a leader takes a lot of risk and a lot of creativity.

I would like to thank Senator Bayh for leadership in that best sense of the word, because one of the key elements of the Runaway Youth Act has been youth participation, and insuring that young people have a right, an opportunity to make responsible decisions.

I think the experience of the runaway projects around the country is that, given the opportunity, young people are capable of making decisions.

I think frequently what happens in government circles is that when we start talking about programs, we forget, "Oh, you are different."

Now let me share a story to illustrate that. There were a number of young people in our program sitting around trying to develop a public service message to tell other young people about Huckleberry House. The one thing that they kept saying was, "Well, say, they don't lock you up here."

I said, "Gee, we never have locked anybody up." They said, "Yes, but everyone else does."

We really have to hear that message. When a young person leaves home, that is a very, very significant act. Young people know that they are not going to be well treated, yet the situation at home or wherever they may be is of such proportion that it is better to leave than to stay.

We need to provide services that are visible and accessible for young people that empower them to make good decisions and bring resources together to resolve their problems.

I think that the kind of leadership that the Juvenile Justice and the Runaway Youth Act has provided has been that very thing.

I commend your continuing to do that and really urge your support. I guess I am concerned about the authorization levels. I do think that an ideal is fine, but an ideal without the money to put it into practice does not work.

I would like to respond to two comments that the Senator made earlier. One was the question of recitivism and the other was the question of the early warning signals.

I think it is important to note that when we talk about recitivism and our programs that are different, we are talking about young people using resources.

I think that we have found that when resources are available, folks will use them and they make good decisions. When a young person comes back into our program, that is a sign of health, not a sign of weakness.

The question about the schools is, I think, an extremely important question. I want to share and call to mind that many of the programs funded under the Runaway Youth Act had histories in their communities in which the so-called professional community was not meeting the needs of young people.

I would suggest that, as we look to making our services more visible, we really do that, but we make it visible to young people so they can access our services when they need them.

We don't need any more adult systems to funnel kids into labeling processes. My fear is that, as funding gets cut back, we will be using more and more government services. Unfortunately, I think we will be caught up in the violent crime labeling syndrome which affects so few people, but yet harms so many more.

If we can provide resources that young people can use and make them visible through the national runaway switchboard or other hotlines and provide programs with more abilities to reach out to youth, we would be far better off than labeling youth.

The young people are there. They are willing to use services. If we can get the services to them, they can resolve those problems without getting entrenched in the juvenile justice systems that incarcerate adults and young people and do all manner of injustices we heard about.

Again, I thank you for this opportunity to speak with you. I thank you for your leadership in remembering that young people indeed are capable and that services do work for them.

Ms. JOLLY. Thank you very much.

I am sure the Senator is concerned that he was unable to hear your testimony. I will make sure he receives all of your comments and let him know how you feel about the Juvenile Justice Act.

Thank you very much.

[Mr. McCoard's prepared statement with attachments and additional material submitted by Ms. Bucy follow:]

PREPARED STATEMENT OF W. DOUGLAS McCOARD

I appreciate this opportunity to share my concerns about runaway youth and the pending federal legislation with the Senate Committee on the Judiciary. My name is Doug McCoard and I have been director of Huckleberry House, a comprehensive crisis intervention shelter and resource center for runaway youth for nearly ten years. In that time, I have met many youth and their families and I have seen service programs for youth come and go; I have also seen well planned programs and those not so well planned.

I want to express my appreciation for the leadership Congress has taken in the area of juvenile justice generally and the Runaway Youth Act specifically. The formulation of the Runaway Youth Act, with its family-focused goals and values, new concepts of youth participation and volunteerism. The importance of confidentiality, and the need for young people to make responsible decisions took courageous leadership. These values and approaches have proven to be important, valued, useful and used concepts. Your leadership has provided visible and accessible places where many youths and their families have been able to regain control over their lives without getting deeply entrenched in the child welfare, juvenile justice or mental health system or simply giving up.

As we move into the 1980's, many young people are still leaving home in search of alternatives from a real or perceived family conflict. Research suggests over 8% of all families with youth will experience a runaway crisis but that there are few resources to help.* I see no evidence that this will change. These youth who will not or cannot return home, however, do not have access to the means to meet their needs. They become isolated and cut off from helping resources and fear coercion or control over their lives by others. As a result, they may make a decision based on mis-information. Parents, on the other hand, experience the trauma, anxiety and fear over the youth who has left, perhaps mixed with temporary relief, helplessness, shame and isolation.

In these situations of stress and crisis, immediate help is needed. Family focused help for the young person and parental reassurance of the young person's safety are necessary for family reconciliation. New techniques for meeting family needs can now be learned. This kind of learning facilitates family living and recognizes the unique rights and responsibilities of all family members.

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*National Statistical Study on Runaway Youth," HEW, ODY, OHD, Opinion Research Corporation, New Jersey, November 1976. "Open Doors," League of Women Voters/Academy of Contemporary Problems, 1975.

However, many agencies do not provide these services to runaways. Youth cannot get their crisis needs for shelter, support and encouragement met by those services which often rely on adult-focused counseling. They are unable to make youth feel comfortable (through hours, waiting lists, location, appearance, attitude, etc., and thus fail to involve all family members. This deprives parents of equal responsibility for causing the problem and deprives the youth from equal opportunity for resolution.

Yet, our experience shows youth are experiencing serious problems such as repeated intra-family emotional trauma associated with alcoholism, underemployment, divorce; rejection and isolation; severe conflict with adults in the home and out; sexual and physical abuses or the threat of abuse; personal confusion: and family discontent.

Huckleberry House and the many other runaway centers created by your leadership addresses these critical unmet needs of youth through techniques which lessen the distance between the providers of service and their youthful consumers. The recognition of a need for a common bond of caring and the immediate provision of service to resolve the conflict and situational stress that helps youth and their families re-gain control over their lives are the key values throughout all services offered by centers.

Huckleberry House itself employs fifteen adults and five youth, augmented by 20–30 volunteers. In 1979, immediate counseling, food and shelter, and follow-up was provided to over 600 youth, especially runaways.

Major functions of Huckleberry House include: advocating for young people's needs without becoming anti-parent or anti-establishment; service focusing on the comprehensive capabilities of young people and their families; developing confidential, honest communications with youth through open and visible staff activities; placing high-school-aged youth in significant paid staff positions; and accountability through sound fiscal and program management.

I have included with my comments our 1979 program report and internal evaluation as well as a fiscal review showing our resources over the last few years.

As I contemplate what could happen in the next few years for runaways and their families and services to help them, I would like to highlight some concerns:

(1) Young people in crisis who are separated from their families easily become abandoned. No funding source wants to assume primary responsibility for the youth who has turned aside from traditional institutions; yet youth, and their estranged families usually are unable or unwilling in the crisis to pay for service. Local public and private sources may provide "seed" money, but communities have been unable to support runaway centers on their own. Currently, funding agencies will drop open community-based youth programs where possible.

(2) The resolution of problems for youth and families may mean more involvement in government-run agencies and programs because there will be fewer other resources. Our citizens will lose freedom of choice and control over their lives and methods that don't work such as excess institutionalization will once again be used to "control" our "violent" youth and their families. The current suggestion to earmark maintenance of effort LEAA money for violent offenders is an over-reaction to a very visible, serious, but exaggerated problem. This violent offender only comprises a few of our youth. I cannot support so much money for that kind of approach when visible accessible services that youth and their families will use could prevent problems from escalating to the "violent" level. Our state currently has ten secure government-run youth institutions for the "violent offender." The Ohio Youth Commission feels about 82 percent of these

youth are inappropriately placed. I suggest that the LEAA money be used to further deinstitutionalization efforts.

(3) Accountability, documentation, and regulation will focus precious time away from program quality and innovation. I feel the current Runaway Youth Act regulations are more than adequate to maintain fiscal and program controls. I would not be supportive of implementation authority that called for more time spent on accountability, documentation, and program administering or administrative layering and thus fewer dollars for service (such as may happen if the Runaway Youth Act were rolled into Title XX).

Current grants are so small that the existing administrative cost per grant for small agencies is high. I would support raising the maximum amount per grant to $150,000 and an allocation of $17,000,000 in actual dollars for grants. This is such a small investment compared to the person resources being served.

I would also caution changing the basis of the grant awards to a youth population bases without taking account of the urban clustering of youth. On a population base, Ohio runaway centers could lose $120,000 or two centers because Ohio's youth are proportionally more clustered in urban centers.

(4) More and more youth and families need crisis service. I support the efforts of the National Runaway Switchboard to make service visible. I also support more public relations efforts. Problems seen by runaway centers are getting more serious and resolutions more difficult. Strains on families both economic and social are increasing and techniques to resolve this strain for young people and their families are simply not adequately developed.

With these suggestions, I support and urge your passage of the Runaway Youth Act. It would help alleviate some of my concerns by maintaining quality runaway programs as visible, accessible places where youth in crisis would find help to regain control over their lives and families would find help in developing solutions to problems together.

Huckleberry House, Inc., 1979 Service goal attainment

Total cases	610
Number run and prevent youth	456
Percent run and prevent youth	75
Goal	
Number run and prevent completing phone call home	213
Percent run and prevent completing phone call home	47
Goal (percent)	50
Number who received individual counseling after phone call home	216
Percent who received individual counseling after phone call home	101
Some youth received individual counseling beyond intake, but did not call home, so percent is skewed.	
Goal (percent)	60
Number received family counseling after phone call home	152
Percent received family counseling after phone call home	71
Goal (percent)	30
Number of all youth, except service to other agency, who received either individual or family counseling	216
Percent of all youth, except service to other agency, who received either individual or family counseling	46
Goal (percent)	33

HUCKLEBERRY HOUSE OBJECTIVES ASSESSMENT

Summary and Analsis

Evaluator W. Douglas McCoard

Date March 14, 1980

I. Objective Rating:

A. Alleviate the Immediate Problem

	L	M	H
1			X
2			X

B. Reuniting Youth with their Families

	L	M	H
1			X

C. Strengthening family relationships Stable living following termination

	L	M	H
1		X	

D. Helping Youth Decide on Future Course of Action

	L	M	H
1			X
2			X

E. Provide Training and support to increase efficiency and effectiveness of services provided

	L	M	H
1			X
2		X	
3			X
4			X
5			X
6			X

F. Educate Community Prevent Families from breaking apart.

	L	M	H
1			X
2			X

G. Develop and Implement Aftercare Program.

	L	M	H
1	X		

SUM OF RATINGS

	L	M	H	X	RATING
GOAL A	0	0	2	2.5	high
GOAL B	0	0	1	2.5	high
GOAL C	0	1	0	1.5	medium
GOAL D	0	0	2	2.5	high
GOAL E	0	1	5	2.3	high
GOAL F	0	0	2	2.5	high
GOAL G	1	0	0	.5	low
TOTAL OBJECTIVE RATING	1	2	12	2.21	high

II. AREAS OF STRENGTH (NOTE HIGH EXTREMES)

Service provision objectives.—Alleviating immediate problems of youth; helping youth decide on future course of action; reuniting youth with families; strengthening family relationships.

Open all the time.

Acceptable rate of intake.

Self-referral—youth resource.

Youth developing legal alternatives to running.

Hours of Service.

Volunteer training.

Administrative/Accounting System.

III. AREAS OF WEAKNESS: (NOTE LOW EXTREMES)

Number of Youth returning dropped; number +% calling home dropped another 3 percent (5 percent dropped last year).

Referrals indicate only 32 percent success rate based on counselor need assessment.

Systematic Public Relations.

Number of Youth returned to Street is 25 percent.

Aftercare program had very limited success.

IV. SOME ALTERNATIVE SETS OF CORRECTIVE OR SUPPORTIVE ACTIONS:

(1) Refine Aftercare and Data System to get Effective Aftercare System Developed.

(2) Develop Board Policy Manual and Training P rogram.

(3) Review Program Trends.

V. SHORT-TERM ACTIONS TO INITIATE NOW:

(1) Aftercare Position Open: Fill with Qualified Person and Monitor Closely.

VI. LONG-TERM FOLLOW-UP ACTIONS:

(1) Clearer delineation of Board functions through Board policy and orientation program; develop Board Goals and Objectives—Plan.

(2) Review Program Trends: Effect of Accountability and Excessive Documentation on Service.

VII

This evaluation brings Huckleberry House into its 10th year of operation. The service model Huckleberry House uses has been repeated in over 10 more locations in Ohio and many more nationally. A visible and accessible service which helps young people and their families regain control over their lives is a valid, useful, used and needed service.

Our evaluation this year, not withstanding the need for improvements, speaks highly of the staff-youth and adult, paid and volunteers—who have committed themselves to a high quality of services.

The past few years have seen significant changes, however. Far too many discussions that focus on accountability and documentation have taken valuable time away from discussions on improving the quality of service. One wonders if some of the program shifts are partly the result of the stress staff feel when trying to fulfill the expectation of a quality crisis center for youth where youth themselves seek help while trying to meet the increasing demands for documentation and accountability to funding sources. Inflation, governmental priority, and cuts for youth services add to this pressure. Role diffusion in a medium sized multi-funded agency is a significant problem as demands increase. Planning time is increasingly spent in reporting. Financial stability for a youth initiated crisis service is something many would like to ignore in these troubled times. However, resource development for Huckleberry House in the 1980's must be a priority if the alternatives Huckleberry House offers to youth and their families are to continue to be a viable resource.

Huckleberry House, Inc. began seeking feedback and evaluative data on how it was doing since its inception. Various reviews by funding sources have documented this in the past. In 1974–75 Huckleberry House instituted the systematic objective evaluation. The numerical results of this are given below. (The data is available for review at Huck House.)

[Low 0 to 0.5; medium 1 to 1.5; high 2 to 2.5]

Program year:	Objective Assessment rating
1974	[1] 2.10
1975	[1] 2.15
1976	[1] 2.19
1977	[1] 2.04
1978	[1] 2.32
1979	[1] 2.23

[1] High.

These ratings have been confirmed by outside evaluators. Huckleberry House continues to strive to provide the highest quality of service.

HUCKLEBERRY HOUSE—A MULTIFUNDED PROGRAM

[Percent of program support from major sources by year]

	1971	1972	1973	1974	1975	1976	1977	1978	1979
Federal Government support:									
Runaway Youth Act funds	0	0	0	0	0	22	27	26	24
National Institute of Mental Health	0	0	0	0	34	4	0	0	0
Law Enforcement Assistance Administration	0	0	0	57	40	0	0	0	0
Subtotal	0	0	0	57	74	26	27	26	24
State and local government support:									
Franklin County Children Services (purchase of service, partial reimbursement of referrals only)	0	0	0	0	0	9	12	10	9
City revenue sharing	0	0	0	0	0	20	13	18	23
Mental health construction assistance	0	0	0	0	0	0	17	0	0
Mental health	33	34	33	30	22	25	28	33	29
Subtotal	33	34	33	30	22	54	70	61	61
Private Support:									
Private foundations	14	12	44	0	0	18	0	0	0
United Way of Franklin County	0	0	0	0	0	0	0	10	13
Church donations	51	52	23	12	4	1	1	1	1
Subtotal	65	64	67	12	4	19	1	11	14
Total dollars for support per year	$35,287	$41,694	[1] $26,403	$96,237	$135,299	[2] $258,867	[2] 214,172	$210,192	$265,750

[1] Changed fiscal year, represents only 6-mo budget.

[2] This amount includes operating and capital expenditure for moving program to a more adequate building (renovation, etc.).

HUCKLEBERRY HOUSE, INC., 1979 PROFILE DATA

[In percent]

	Number	Percent	Sex and race	Run	Total
Type of youth served:					
Runaways	363	59	Male	37	
Prevention	54	9	Female	63	
Service to other agencies	140	23	Black	17	18
Othor situations	50	8	White	82	82
Not enough engagement	3	1			
Total	610				

	Runaways	Total	Place of origin	Run	Total
Youth left:					
Primary family home	81	76	Columbus	64	65
Other family home	10	9	Franklin County.	12	15
Institution	4	4	Ohio	11	10
Other	6	8	Other States	8	6

	Runaways	Service to others	Total
Type home:			
Mother and father	33	18	29
Mother only	23	28	25
Mother and stepfather	14	18	14
Father and stepmother	6	6	6
Relatives	5	8	5
Foster home	3	5	3
Sibling rank:			
Only	7	5	6
Youngest	20	19	20
Oldest	25	32	26
Not in home	12	11	13

	Runaways only
Youth ran to:	
Huckleberry House	35
Street	19
Friend or relative	37
Duration of run:	
Less than 24 hr	58
2 days	14
3 days	6
4 to 7 days	12
1 to 4 weeks	6

	Runaways	Service to others	Total
Youth returned to:			
Primary family home	42	29	41
Other home	13	14	13
Institution	5	12	6
Street	25	24	23

Many youth had:	
Less than $1	25
$1 to $5	14
Over $5	9

	Runaway	Service to other agency	Total
School:			
In school	68	73	68
Out	9	8	8
Push/out	8	14	10
Completed:			
6th	5	2	3
7th	9	17	10
8th	17	20	17
9th	20	19	19
10th	16	21	17
11th	9	6	9
12th	2	2	2

Most critical need (sought by runaway youth):	
Shelter	13
Emotional rest	10
Personal counseling	14
Counseling about resource	21
Family counseling	23
Protection	7

	Youth	Counselor
Most critical reason for leaving (runaways only):		
Undefined personal confusion	5	13
Rejection/isolation	9	9
Desire for independence	4	3
Conflict with adult (nonparent)	5	3
General family confusion	18	16
Abuse/threat of abuse	13	9
Over protection	7	7
Youth thrown out	4	4

	Runaways	Service to others	Tota
Estimated family income:			
Under $3 000	2	2	2
$3,000 to $7,000	5	11	6
$7,000 to $15,000	14	8	11
$15,000 to $25,000	11	5	9

[In percent]

	Runaway	Service to other agency	Total
Referral source:			
Self	50	4	38
Friend	28	0	18
Family/relative	5	2	7
Traditional agency	6	89	25
Alternative agency	2	0	2
Mental health	2	1	2
Police, legal	1	4	2
Age:			
Under 12	4	4	5
13	8	10	8
14	19	22	19
15	23	22	23
16	22	22	22
17	18	17	18
18	6	3	6

Huckleberry House, Inc., statistical summary 1979—calendar year 1979

	Amount
New cases opened:	
Runaway	363
Preventive	54
No relationship developed	3
Other	50
Service to other agencies:	
FCCS unruly	124
Other agency	16
Total	610
Direct services—Case related:	
Individual units	3, 035
Family units	306
Phone interviews	986
Other phone contacts	540
Shelter:	
FCCS (total/individual)	836/136
All other bed nights (total/individual)	1, 600/370
Total bed nights (total/individual)	2, 436/506
Noncase related:	
Advice and and information sessions	1, 280
Inquiries for runaway youth sessions	411

INDIRECT SERVICES COMMUNITY EDUCATION PRESENTATION

Number of presentations:	
Current	----
YTD	96
Number of persons attending:	
Current:	
Youth	723
Adult	1, 211
YTD:	
Youth	----
Adult	----

HUCKLEBERRY HOUSE, INC.

1979–1980 UPDATED NEEDS/SERVICE ASSESSMENT

While we have not done a comprehensive needs assessment, we are familiar with others done in our community by the Metropolitan Human Services Commission and others. Our service fits into these needs profile. In addition to this, in 1978, the Columbus Police received 3,361 missing juvenile reports. In 1979, the number is 3,178. This represents only about 40 percent* of the need because many parents do not actually call the police when a youth leaves. The actual missing reports for the past five years have varied between 3,800 and 3,361, the need level thus varied between 9,500 and 8,400.

An alternative approach suggests that 5.7 percent* of all youth households experience a runaway incident each year. For Columbus, this would mean over 7,000 annually.

Over the last five years, Huckleberry House's data has consistently shown that the most critical reasons for leaving home were: General family conflict (26 percent), Family overprotection/Disagreement over a rule/too high expectations (13 percent). Personal confusion/Isolation (8 percent), Youth thrown out/Parental emotional problem/Abuse/Threat of abuse (18 percent). The most critical needs sought by youth over this time period were Personal counseling

(18 percent), Counseling about resources (16 percent), Family counseling (23 percent), Protection (9 percent), and Shelter (16 percent).

In terms of services, there are few resources to whom young people themselves may turn. A study** done a few years ago sited among the still unmet needs of juveniles . . . are 24-hour crisis intervention programs operated by youth for youth; adult-youth dialogues . . . where troubled youth may receive counseling or other assistance without the direct permission of their parents . . . at present few agencies provide services to youth under 18 without parental permission for fear of a civil suit. Although the reluctance is understandable, the frequent consultation between agency and parents merely exacerbates an already critical home situation.

*"*National Statistical Study on Runaway Youth*," HEW, OYD, OHD, Opinion Research Corporation, New Jersey, November 1976.

**"Open Doors" League of Women Voters/Academy of Contemporary Problems, 1975.

RESOLUTION FROM THE GALVESTON COUNTY COMMISSIONERS COURT SUBMITTED BY JUNE BUCY

RESOLUTION

Re Runaway Youth Act and other titles of the Juvenile Justice and Delinquency Prevention Act.

WHEREAS there are over one million American teenagers who run away from home each year and another one million youth, who because of temporary crisis situations, are in need of emergency shelter care, and

WHEREAS the needs of these youth in crisis and their families are well served by community based programs, and

WHEREAS this court is proud of the achievements of the Youth Shelter of Galveston, Inc. and has contracted with that agency for services to Galveston County runaways and other youth in need for the past eight years, and

WHEREAS the basic funding for the Youth Shelter of Galveston, Inc. comes from the Runaway Youth Act; therefore,

BE IT RESOLVED that the Galveston County Commissioners Court supports the reauthorization by the Congress of the United States of America of the Runaway Youth Act and other titles of the Juvenile Justice and Delinquency Prevention Act; and hereby requests that June Bucy, Executive Director of the Youth Shelter of Galveston, Inc., deliver this evidence of our support to the appropriate Congressional hearings.

JUDGE RAY HOLBROOK,
County Judge, Galveston County, Tex.

PANEL OF: FATHER BRUCE RITTER, EXECUTIVE DIRECTOR, COVENANT HOUSE, NEW YORK CITY; BARBARA FRUCHTER, DIRECTOR, JUVENILE JUSTICE CENTER, PHILADELPHIA, PA.; CAROL BRILL, DIRECTOR, LEGAL SERVICES FOR CHILDREN, SAN FRANCISCO, CALIF.; JUDY K. WILLIAMS, DIRECTOR, OPEN-INN, INC., TUCSON, ARIZ.; STEPHEN R. BING, EXECUTIVE DIRECTOR, MASSACHUSETTS ADVOCACY CENTER, BOSTON, MASS.; AND MIRIAM THOMPSON, EXECUTIVE DIRECTOR, NEW YORK CITY ADVOCATES FOR CHILDREN, NEW YORK CITY

Father RITTER. Thank you. I am really delighted to have the opportunity to testify before this committee. I would like to commend Senator Bayh and the other members of the subcommittee for their demonstrated interest in the problems of homeless children.

I have a written statement that I will submit for the record. I will simply summarize the main points that I would like to make.

Ms. Jolly. Thank you. Your entire statement will appear in the record at the conclusion of your oral presentation.

Father Ritter. Thank you.

I would like to spend just a moment mentioning the early history of Covenant House, because it says quite a bit about the problem that we are dealing with today, and also because we still meet the problem every day.

I used to be a teacher until my students got tired of my self-righteous sermons and drove me off campus into a new ministry dealing with young people.

One night, in the middle of winter, six runaway kids knocked on my door about 2 o'clock in the morning, asking for shelter. Four more kids joined them the next day. These 10 children had been living on the streets, in abandoned buildings, and had been pimped by a number of junkies who were supporting their habit through them.

I could not find any place for them in the existing system, a problem that we have all faced so many times. As a result, Covenant House, an effort of my friends and me, began.

We are now a licensed child care agency. We operate programs especially designed to aid runaway children. Two of our residences, one for boys, one for girls, are funded by the Runaway Youth Act.

We moved our program to the Times Square neighborhood in New York City about 3 years ago, because of the obvious problem of thousands of runaway kids who situate themselves there in order to survive.

I'd like to give you an idea of the nature of the problem that the runaway child faces when he comes to New York. Most kids, when they run away, do not take planes or trains; they come by bus. When you arrive in New York, at the bus terminal, you are immediately disgorged into an enormous sex industry, about $1.5 billion, in that immediate area.

There are over 150 sex-related businesses in the Times Square neighborhood. The police have identified over 1,000 pimps that work that neighborhood, controlling thousands of young girls and also young boys.

We began our program there in an effort to help these exploited children 3 years ago. It is called "Under 21." It is a 24-hour-a-day crisis center with residences. Kids can come in there any time at all, day or night, and get help on a no-questions-asked basis: food, clothing, shelter, protection from their pimps, a chance to go home again.

For example, in the last 2 years, we sent home over 1,200 children, although that was only 15 percent of the kids that came to us.

In the first 3 years, more than 14,000 young people came to Under 21 for help. Most of these kids have been involved in prostitution. Officially, I use the figure of 60 to 70 percent. The percentage is actually much higher; it is much closer to 80 to 90 percent.

In regard to the demographics of those children, most of them come from New York City—55 percent. The rest, 45 percent, come from all over the country.

The median age is just slightly over 18. About 75 percent are boys because the pimps will not permit their girls to come in, and most of the boys are freelance.

Some 75 percent of the kids are black and Spanish. Only 25 percent are white.

The New York City police department estimates that of the runaway children they pick up and try to return home, over 70 percent of these kids have been involved in prostitution.

The children do not speak of themselves as prostitutes. They call it "making a few bucks." Very few of them would like to consider themselves prostitutes, and we in Covenant House do not do so either. We consider them as what they really are, homeless children who turn to prostitution simply in order to survive.

They have very few options. One of my boys put it for me very directly a short time ago. He said "Bruce, I have two choices. I can either go with the john and do what he wants,"—his actual phrase was, "and suck my tail,"—"or," he said, "I can rip somebody off and go to jail." But, he said, "I am afraid to go to jail. I would not make it through my first shower. So I can't get a job. I have no skills. I have no place to live." The boy is 16 years old.

I do not know what I would have done if I were 16 and faced with that impossible choice.

That essentially is the reason why Under 21, as a crisis center and a residence for children, exists.

This year we expect minimally at least another 10,000 homeless young people to come to us for help. Most of these kids, again, will have been involved in prostitution.

Some of them will be deeply involved in it as a lifestyle. Most of them will be simply trying to survive.

Literally hundreds of these children—as happened last year, and the year before—will have been beaten and raped and tortured, and many will be killed.

In the last 9 months, for example, nine of my children have been killed, murdered, shot, stabbed, thrown out of windows, cut up in pieces.

We expect at least that same number of children to be victimized by this so-called "victimless crime" this year.

I repeat, we at Covenant House do not see the problem as being that of juvenile prostitution. We see it as merely an inordinate, an extraordinary number of homeless young people, many of them quite young—runaways—who turn to prostitution and street life simply in order to survive.

It is one of the great virtues of this bill and the accomplishment of this subcommittee that the residences and shelters provided all over the country for the care of these runaway kids have, I am absolutely certain, saved hundreds, perhaps thousands of children from turning to a life of prostitution in order to survive.

I would like to make two comments on the bill itself. We see the Runaway Youth Act, as it is presently written, favoring the traditional young runaway. It really does not take into account the needs of the older homeless young person, the person between 16 and 20.

For example, we think the 2-week residency requirement is unrealistic. We frequently find it necessary to keep young persons with us 1 month, 2 months, even 3 months before we can help them solve their problem.

I would also like to emphasize again something that the director of Huckleberry House mentioned in his testimony previously. We find it almost impossible to get realistic, necessary medical help for these kids because most of them do not quality for medical help or medicaid. If it were possible for this subcommittee to do something to address that problem, it would be a great service to the young people, especially in our urban areas.

I am convinced, from my examination of the problem of homeless young people as it exists in other major metropolitan areas, that it is not specific to New York. It is certainly a problem, for example, in Miami and Fort Lauderdale, in Los Angeles and San Francisco and Chicago and Boston and Atlanta and here in Washington.

Certainly the resources should not be cut. If anything, as we all know, the resources available to help these kids should be, if possible, increased, even in this time of fiscal belt tightening.

Again, I would like to commend the members of this committee, and especially Senator Bayh, for his leadership in providing help for these runaway kids.

Thank you.

Ms. Jolly. Thank you very much, Father.

Judy K. Williams, director, Open-Inn, Inc., Tucson, Ariz. Welcome.

TESTIMONY OF JUDY K. WILLIAMS

Ms. Williams. Thank you. I welcome the opportunity to come and share with you briefly today a little bit about our program in Arizona and how we are using the Runaway Youth moneys which have been given to us.

I am Judy Williams. I am the executive director of Open-Inn. We started our program in late 1974, at that time to provide an alternative to the juvenile justice system. Many youths we were seeing in our community were either remaining on the streets or, because we are a very warm climate, particularly during the summer, spring, and fall, were sleeping under bridges, were going to the mountain areas and trying to maintain themselves there.

The problems grew. Many of these youths were picked up and at that time were naturally staying in the detention centers.

Once we began our services, we have watched ourselves grow, watched the kind of problems youth have change, and have seen problems grow that we never anticipated when we originally began services.

The problems of youth that have been kicked out of their home, the problem of youth that are being sexually abused in their homes, these kinds of things are problems we did not anticipate. So I am very, very pleased to see that we are not only dealing with runaway youth, but are also expanding services to those youths that would otherwise be homeless.

Some of the things in Senator Bayh's bill that I would like to speak to and something which, again, we originally did not even anticipate are the phone calls.

Senator Bayh is advocating the national hotline which I also highly recommend, advocate. It is of great service to all of us.

There is also, though, the whole issue and concern locally. Many youth don't know quite how to go about dialing an 800 number. They are not really sure it is free.

At Open-Inn, we are dealing with something in the neighborhood of 7,500 phone calls a year. That means youth that are calling us, families that are calling us.

I would like to see the part about the hotlines expanded not only to national hotlines, but to encourage those of us locally to have some sort of a system whereby people can call and receive some advice and some help on the local level.

Ms. JOLLY. I think that is a good idea; it is just that we need some funds to go along with it.

Ms. WILLIAMS. I know. This is always the problem. It costs more, and yet, many are doing this with the funds we already receive.

Ms. JOLLY. I would encourage the States and local people to pick up that kind of an aspect. If we don't have the people back home cooperating with us, it is difficult to succeed.

Ms. WILLIAMS. That is very true.

That is something else that I would like to share with you, that originally we started on 100 percent of Federal money, with a match.

Now we are, because of the Federal money we originally were able to get, only operating on 45 percent Federal money, and State and local agencies have picked up and are helping us because of the Federal support.

If we don't continue that kind of Federal support, though, our programs can't begin to operate at their current level.

I encourage you to continue advocating for the Federal money. I would also like to respond to the Senator's question on repeaters or recidivists.

We see something under 20 percent of our youth that are repeaters in our program, but we look at these youths as being very wise. They are coming back to programs. They are seeking our help again.

We see this percentage of youth as being a very positive group. They are not remaining on the streets. They do not have to go to other places. They know where they can receive help and they are coming back.

I feel that the runners that have traditionally split when the problems got bad now have found a place where they can come back, and they are doing that.

I would suggest to the Senator that most of the youths either will remain at home or will be coming back to seek further services and further help from us.

Thank you very much.

Ms. JOLLY. Thank you very much.

Ms. FRUCHTER. Thank you.

Ms. JOLLY. As Senator Bayh would say, you are no stranger to our committee and are to be applauded for your effort on behalf of young people. Welcome back.

TESTIMONY OF BARBARA FRUCHTER

Ms. FRUCHTER. Yes. Thank you. I am pleased to be back. I am not sure that I am happy about the entire circumstances of being here, but I think what I have to say might be helpful.

I would like to explain what Congress has done for the American public and the American future through this legislation.

Those accomplishments fall into three categories. The first is that under the Bayh legislation, the vision and the value system of America has been changed.

Second, this legislation has helped to return to the American public a sense of democracy and a feeling of power and influence over their own lives.

Last, the legislation has enabled organizations such as the Juvenile Justice Center and the Juvenile Justice Center's Citizens' Coalition to demonstrate to State legislators and to the public at large that decent care for children is cost-effective care.

A concrete example of what changing the vision and the value system means is Pennsylvania, where we have been able to build a juvenile justice center citizens' coalition of 120 church, civic, and service organizations of nearly 3 million citizens who formerly knew nothing—and therefore cared nothing—about the thousands of children locked in prisons and jails in our State.

Through JJDP funding, these people were made aware, for the first time, of the ineffectiveness, the nightmare, and horrors of the juvenile justice system. People who hadn't the slightest inkling that children were kept in solitary confinement for 54 days, that the use of the "hole," was for children who were thrown into it without any clothes, to lay on cement floors for weeks, that the routine use of Thorazine or mechanical restraints were used without restraint.

These 3 million citizens had no idea that the children were removed from their homes and placed in institutions at $136 a day, when services to children and their families in their own homes could be delivered for a fraction of that cost.

Our citizens didn't know anything about the suicide rate of children in jail. They didn't know about the self-hangings, about the slashed wrists, about the open safety pins or the bits of razor blades that were swallowed out of despair, about kids locked up day after day. They didn't understand the daily horror that children experience from repeated homosexual attacks.

They didn't know anything in our State about the 14-year-old girl who was a runaway, who was picked up in an upstate rural county and taken to the county jail where she was raped first by the county sheriff and then by the inmates in the jail.

But, under this act our agency was able through visit after visit to institutions and jails, through speech after speech, through extensive citizen training, through media education and the education of legislators, to pass legislation which prohibited holding children in jails.

In 1975, there were over 3,000 children in jails and prisons in Pennsylvania. Last year there were 38. This year, if we can continue our work, there will be none.

Under the JJDP Act and the work of the Juvenile Justice Center's Coalition, we were able to pass Public Law 41 in Pennsylvania, which prohibits placement of children in jail.

We were able to pass legislation that removed status offenders from the delinquent category and prohibits placing them in secure detention or in facilities with alleged delinquents or delinquents.

We were able to pass incentive funding legislation that rewards the counties for giving services to children in their own homes rather than tearing families apart.

Ms. **Jolly**. That is one area I know that Senator Bayh talks about all the time to us, how we can make sure that moneys are given to natural parents as opposed to foster parents or adopted parents, even though those things have to be done too. But why can't we put more of our title 20 funds and other funds into the natural home to get the job done?

Ms. **Fruchter**. In Pennsylvania we cut the reimbursement rate from the State to the counties for placing children in institutions from 100 to 50 percent. We reward the counties with 75 percent of the cost of giving services to children in their own homes, for subsidized adoption, for group homes, for community-based residential care and other alternatives to institutions.

In New York, through the impetus of JJDP and with the juvenile justice center's help, the Child Welfare Reform Act was passed in 1979. This act cuts into the practice of warehousing dependent children for 4, 5 and 6 years. It mandates that children removed from their homes receive permanency planning immediately. The act fiscally rewards counties for keeping children in their own homes and thus discourages this removal in the first place.

In Colorado, the juvenile justice center, through a coalition of citizens' groups—not agency people—was able to prevent the construction of a detention facility at $100,000 a bed and helped get legislation passed that mandated, in Colorado, that alternatives be developed rather than more detention and more institutions.

Under JJDP we at the juvenile justice center were able to demonstrate to the public, as I said, that decent care is cost-effective care. This is important at a time when we are facing budget restraints.

Without this legislation, people will not understand that it costs four and five times as much to institutionalize children than it does to develop alternatives for them.

If we are not to regress, the message that must be taken to the public is that we can be both cost effective and humane in our treatment of children in trouble.

At this time I would like to address the legislation which mandates a portion of the LEAA funds to be used for the juvenile effort.

We are pleased that this money be directed to address the problem of serious offenders. But as written, I am afraid that the guidelines are not as specific as they must be.

For instance, in our State, it is currently being proposed that this portion of the LEAA money, $500,000, be put into starting intensive security programs, maximum security, in the private sector, for serious offenders.

I don't believe that maximum security in the private sector constitutes the new techniques that the Bayh legislation addresses.

Ms. **Jolly**. Senator Bayh would certainly say it doesn't. So would I.

Ms. **Frucher**. We would ask that serious consideration be given to defining carefully the intent of Congress in regard to the use of the LEAA funds, and toward a consistent philosophy between the directive of the JJDP Act and the use of the LEAA funds so that this money can be used to expand institutions.

I would also like to say something in regard to additional slots for OJJDP and to address what I see here also as a problem of cost effectiveness. It appears that the shortage of OJJDP staff gets compensated for by extensive technical assistance contracts to profitmaking agencies, with all the attending redtape, political jockeying, and excessive administrative costs.

These technical assistance contracts drain off millions that could be spent to bring real onsite change in the State.

Rather than having legions of high-salaried consultants running in and out of States leaving nothing significant behind them, adequate staff at OJJDP could assist grantees, monitor grantees and process grantees to get the job done.

Ms. JOLLY. Senator Bayh yesterday referred to the study that was conducted by the Department of Justice, by the Office of Juvenile Justice and LEAA on the amount of staff they had in relation to the amount of money they had to process.

Ms. FRUCHTER. Yes.

Ms. JOLLY. By the Department's own standards they say that office should have 150 staff people. And, of course, as we know, they only have 41 at this time, even though they are allotted 51 positions.

Ms. FRUCHTER. Too many of us are left hanging, not knowing if we are going to have to close our doors today or tomorrow because grants fail to be processed on time.

Ms. JOLLY. I know that none of you were here yesterday. Senator Bayh did say to the Department of Justice that he wanted to know why 86 percent of their discretionary money was unobligated at this time, and to see what they can do about it since we only have 6 months left in the budget year. We do have an appropriations process we are going through now for fiscal year 1981.

It is very important, as Senator Bayh said, yesterday, that the intent of Congress in providing to the Office of Juvenile Justice funds is so that they would be spent more on programs like yours and others throughout the country for children, for young people.

As he said so often in the past, "I don't want the money sitting in some bureaucrat's desk in Washington. I want it out to the people, returned to them."

After all, it is all of our joint money, our tax dollars. That is all we are asking is that the funds that Congress provides to the various agencies are spent in a timely fashion for meritorious programs.

Ms. FRUCHTER. I agree with you, Mary. But it takes staff.

Ms. JOLLY. Thank you very much.

Ms. FRUCHTER. Thank you.

Ms. JOLLY. Miriam Thompson, executive director, New York City Advocates for Children.

TESTIMONY OF MIRIAM THOMPSON

Ms. THOMPSON. I am happy to be here today. I must say it is heartening to hear Senator Bayh and other committee members support vital youth service programs and delinquency prevention programs, especially in light of what we consider to be very dangerous social retrenchment in the Federal Government; especially again, when many of the programs we are talking about today really are interdependent with other systems.

We can talk about our young people and we can talk about their families, but we also have to talk about the conditions under which they live, under which many young people run away, under which many parents and families fall apart.

We really have hope that the Senator will use the same kind of leadership that he has expressed in the area of delinquency prevention in persuading some of his colleagues to understand the importance of other social programs if we are to maintain a healthy political, social, and economic system in this country.

Let me just tell you a little bit about Advocates for Children of New York. It is a 10-year-old child advocacy, children's rights organization, working primarily in the education system, but impacting on other systems that affect families; namely, health, mental health, and employment. We certainly have seen the ravages of families falling apart and children falling into the foster care system, juvenile justice system, often to languish there for years without proper support or adequate services to reunite families.

Through our doors in the last 10 years have come thousands of children and families, many children having been excluded from what we call the major child care institution which is the education system, and particularly that one in New York City which houses 1 million children.

These are children who have been excluded from schools for a variety of reasons having to do with sex, race, handicap, and we consider those children who fall away from the education system to be those children who will have very little opportunity to really lead meaningful adult lives.

It is within that context I can give you some startling facts we have collected over the last 10 years, both from our individual case advocacy, litigation, policy, research, and a lot of organizing and training in New York City and elsewhere in the State.

In the city we have on any given day, and the figures aren't entirely accurate, over 100,000 children truant and roaming the streets.

Fifty percent of our children do not graduate high school. We have over 30,000, and people aren't even clear on this figure, pregnant teenagers, more than half of whom have children every year and are excluded from school.

We have thousands of handicapped children who the board of education and other social agencies are beginning to recognize in terms of their entitlement to schooling and other support services.

We have also seen the tremendous value and contribution of community-based organizations in meeting the needs of these children and families and who can really do an aggressive and dedicated advocacy job in helping constituents receive the services to which they are entitled.

It is here that I would really like to talk about the Office of Juvenile Justice, both its promise and hopefully, its future.

The initiatives that we find particularly important in supporting those efforts that we have just briefly described are of course, the Office's recent youth advocacy initiative which we think is a most promising venture and should not only be supported but expanded.

Ms. Jolly. When was that initiative first brought to your attention?

Ms. Thompson. We learned about it—actually, we knew that it was in the works in the previous administration. In fact, AFC, the Massachusetts Advocacy Center and others were asked to comment on the idea by John Rector, the previous administrator.

We are really excited about it because——

Ms. **Jolly**. We are too.

Ms. **Thompson**. I think it is really one of the most fundamental youth-enriching programs that are coming out now.

We have no idea, of course, when the grants are going to be let. Part of the problem, I suspect, are the points that you raised earlier about administrative problems in the office and as it relates to LEAA.

Ms. **Jolly**. They are working very hard to process those grants as quickly as possible. We do have a number of the grants that could be funded.

Apparently, there were over 180 applications that came in for this proposal, I believe it was last October 1979.

We hope anywhere from 20 to 40 of the proposals could be funded.

Ms. **Thompson**. Let me talk to the substance of it, and then discuss another initiative coming out of OJJDP—the alternative schools initiative.

Back to the youth advocacy: In much of our 10-year experience, as I indicated, we have seen how community-based youth organizations, a key feature of the initiative designed to empower young people in those decisions that affect their lives, not only trains and assists families, but works very closely with young people to help them gain confidence in what they can do to make those decisions and to overcome obstacles that really affect them in reaching meaningful and productive adulthood.

Many of the youth groups have worked, I think long and strenuously, to capture young people who were in the streets. We think that this program, again, I said I hope it expands, can really foster the opportunity to do that.

Another initiative the Office is sponsoring is research and dissemination of alternatives to disciplinary practices.

I really would like to concentrate on that. Many young people are excluded from schools for often arbitrary and discriminatory reasons. Once having been removed from this basic child care institution, there is often less and less opportunity for them to arrive at any kind of meaningful lives.

We think that the schools' disciplinary practices and often discriminatory disciplinary practices ought to be examined and there certainly ought to be alternatives that are encouraged.

The alternative schools is a similar initiative; fostering the development of programs that would encourage youth leadership and involvement, that would foster programs and practices that are different from the kind of traditional policies and practices that we have seen, which as we said earlier, have excluded almost or more than 50 percent of the population.

In summary, we urge the committee to continue to advocate these kinds of programs.

Two, to try to help the Office promote wider and wider outreach to the kinds of advocacy programs that work directly with youth, that believe in empowering youth, that work closely with families, maintaining the strength of natural families. And then, of course, to try to look at those kinds of administrative obstacles that would facilitate and expedite appropriation of funds to the agencies and organizations capable of reaching people we know the funds can help.

Thank you.

Ms. Jolly. Thank you very much.

Stephen R. Bing, executive director, Massachusetts Advocacy Center. Welcome, Steve.

TESTIMONY OF STEPHEN R. BING

Mr. Bing. Thank you.

Let me first describe what my organization does, because that will set the context for the relevance of my remarks to the reauthorization of OJJDP.

We are fundamentally a statewide youth advocacy organization, in Massachusetts, concerned with three substantive areas affecting children and youth which are education, health, and the juvenile justice system.

As you may know, Massachusetts enjoys a reputation or at least has one, I don't know whether it enjoys it, of being quite a progressive State in dealing with social problems and most especially in dealing with the problems affecting young people.

However progressive it may be in comparison to other States in the Nation, it is possessed of enormous problems. It is our contention, and I listened to the testimony this morning, that the principal source of child abuse, child neglect, and children not having the proper opportunities are not parents, but rather the social institutions which we have created to protect them.

Simply put, the agencies do not do their jobs. They do not follow the laws which created them.

I will give some specific examples from our State.

Ms. Jolly. Are you talking about State agencies or Federal agencies?

Mr. Bing. We are concerned about State agencies. We are certainly not prepared at this point to take on Federal questions.

Massachusetts virtually has no EPSDT program, although that is the one thing held out as hope to poor people that some kind of medical care could be made available to their children.

Massachusetts has the first special education law which called for maximum mainstreaming of special needs children.

It also called for the State agency to insure that the utilization of special education as a means to promote racial segregation be ended. That has not happened. It will not happen without the pressure, not from the institution which we created to serve kids which one might expect, that would be the department of education, but rather that pressure has to come from outside.

Other examples that I can give you relate to the children being excluded from schools, allegedly for discipline problems, but when one looks at it we see race plays a major factor.

We see the particular lifestyle of the family or children playing a factor in the way the educational institution deals with kids.

The result is that the youngsters are expelled from the education system either consciously or unconsciously and they end up in our other child care institutions, be it the welfare department or the juvenile justice system.

We boast in our State of our so-called deinstitutionalized community-based care, juvenile justice system.

I believe we are probably one of the 10 States which someone mentioned this morning that says that we are in compliance with the deinstitutionalization of status offenders.

I want you to know——

Ms. JOLLY. Let me just point out, we have approximately 34 States, at least, that report that they are in compliance with the deinstitutionalization provision, but only 10 who have reported compliance with the separation of juveniles and adults in institutions.

Mr. BING. If we look at our so-called deinstitutionalized system, I think it is important to know that although 1,500 youngsters committed to our department of youth services on an annual basis, at least 2,300 youngsters will serve some time in one of our secure detention units. We have seven secure detention units in the Commonwealth of Massachusetts. Most of them are located on the grounds of an abandoned State mental hospital, buildings that were condemned for use by adult mental patients.

Yet, in our deinstitutionalized system, that is where these youngsters go. Surprisingly, they are not there awaiting trial. They are awaiting placement in some program. Some of them return to these centers as frequently as 15 times before some program will take them or some State agency will deal with the problems that they present.

These youngsters are permitted to stay in these centers for as long as 120 days. There is no, absolutely no service provided them.

Neither education nor health services are provided in these settings. Nor is what one might expect from a youth services agency, at least some kind of therapy or counseling. None of that is available to the children in these centers.

So, what I think I have described for you is at least three systems which don't do what they are statutorially authorized and required to do in terms of serving kids.

That is why we supported and worked on the development of the youth advocacy initiative. It happens to be, I think, the single most important thing that I have seen come out of that office in terms of trying to make these systems which we spend an enormous amount of money on, work.

It is clear to me that advocacy as a technique to serve kids is quite important because of its major leveraging effect.

Ms. JOLLY. What would be your definition and difference of youth advocacy and legal advocacy?

Mr. BING. I don't draw those distinctions. Perhaps the initiative did. What—we are engaged in a particular kind of advocacy which we call entitlement based advocacy. We look at what youth are entitled to and measure the difference between what they are entitled to and what they are getting and then move to close the gap.

It is in configuration of quite a conservative notion—we are asking the State of Massachusetts to obey the law.

The fact of the matter is, if the State of Massachusetts obeyed the law and served the kids the way the law is set out, it would be a revolution. It would be the most radical transformation of social welfare that the Commonwealth has ever seen.

So, legal advocacy, I think Carol Brill probably can speak to that, is usually thought of in terms of individual case representation. We happen to do both. We do both case representation and what is called also in the trade, class advocacy. We feel the combination is important.

Ms. **Jolly**. Thank you very much.

Carol Brill, director, Legal Services for Children, San Francisco.

TESTIMONY OF CAROL E. BRILL

Ms. **Brill**. Good afternoon. I am a legal advocate. I run an office in San Francisco called Legal Services for Children. I am grateful to the committee for this opportunity to add any comments I have on the committee's consideration of reauthorizing the Juvenile Justice and Delinquency Prevention Act, and also, the Runaway and Homeless Youth Act.

I support both continuation, and I specifically support some independence, preferably total independence for the Office of Juvenile Justice and Delinquency Prevention so that all of the complaints we have all voiced today about getting grants processed or even a no answer, within a year, will come to pass.

Ms. **Jolly**. Let me put this in an historical perspective. Senator Bayh's original bill that he introduced in 1972 mandated a separate individual agency much like the Civil Rights Commission or the FTC or the FCC, however we evolved into legislation that housed the Office in the Department of Justice.

Ms. **Brill**. I feel very fairly treated by OJJDP, but as one of the people who experienced at least a year's wait to get a yes or no response, I would hope for any form of independence where they could at least send out their own mail.

I don't mean to be in any way disrespectful to the committee or to any persons here, my colleagues here.

I would like to add also, some special thanks to Senator Bayh for continuing to be the country's youth advocate in the Senate, in spite of the fact the Year of the Child is over and it is no longer popular to be involved with children, perhaps.

Certainly, in California, where we seem to do everything whether it is right or wrong first, funding is not popular for children. I am sure everybody is aware of our horrible budget slashes in people's services, and certainly children are always the first and the easiest to cut since they have no voice of their own, nor any vote.

The office I started in 1975, is called Legal Services for Children. I think we did not know at the time, Peter Ball, John Bush, and myself, the kind of monster we were creating.

It was, we found out after the fact, the very first free and comprehensive law office for children in the country. We did not set out to do test cases, per se, although some—or class cases, as you said, described them Steve, although some of our cases have turned into the raw material of test cases or class actions.

On the other hand, we set out to fill this enormous gap of providing every day legal services to children where no lawyers, no lawyers literally, otherwise existed.

We got originally not only the support, but the unbelievable backing of all the community agencies, some of which are the types you represent, runaway homes, counseling centers, alternative schools, because none of them had a legal referral resource for any of their clients.

So, we worked with them on an every day basis. They refer children to us, and we, of course, are constantly referring our young clients back to them for the services they need.

Since 1975, I have also received over—and I want to mention it at these committee meetings, over 1,000 inquiries and contacts from my colleagues here and from other community based agencies nationally, from judges, from lawyers, even from doctors and teachers asking me for help on how to start a similar office in their own area.

I have also received some grant requests and have no money to respond with. One of the very exciting things I saw coming out of LEAA in the last few years was this advocacy initiative.

I am sorry that it in fact specifically excludes direct legal services. Our 1-year discretionary grant which we are midway through, ends in July. It will not continue. We have all been told there would be no more discretionary grants. We got the grant as a national replication project. Watch us and then we will give money to others perhaps if they can do the same kind of thing.

We now understand that there will be no discretionary grants for us or for anyone next year. And then, of course, unfortunately, the youth advocacy initiative specifically excluded direct legal services. But it is the year of the advocate.

Ms. JOLLY. Why is it your impression that there would not be any discretionary moneys available next year?

Ms. BRILL. I was told by the Office that there would be no more discretionary grants after this fiscal year.

Ms. JOLLY. That is what you were told?

Ms. BRILL. I can't send paper to people who don't want it.

Ms. JOLLY. Well, maybe we should address a question to the Juvenile Justice Office. Senator Bayh has given them some questions, but I think that he surely would like to follow up by asking if the Juvenile Justice Office has been given a fiscal year 1981 budget, in that budget they do have so much percentage of the moneys that are used for discretionary funds. We would like to know why that statement would be made.

Ms. BRILL. I am sure we and many others would certainly be happy to hear that.

Our office only represents children. I represent literally persons who are 2 days old to those who are almost 18.

We have a caseload that includes every kind of case in the juvenile court which would be children who would be subject to neglect or abuse petitions, status offense petitions, and also, young people who are charged with crime.

But beyond the scope of the juvenile court which is, of course, when children have been caught, that hopefully should be the last step in situations.

We also represent children before they get in official trouble, in a wide variety of civil or administrative kinds of legal proceedings where they don't have to get something fall on them in a juvenile court to get our help.

We represent them in school discipline proceedings, special education proceedings, benefit eligibility proceedings, guardianships, emancipations, termination proceedings, about anything that you might call a legal problem, we are available for a young person in San Francisco, as long as there is no money to be made.

If a young persons wants to sue somebody for car accident, there are plenty of lawyers all around the city who don't have enough to do.

I want to add a comment, because Steve mentioned a kind of official neglect or abuse. I think that finally, it is acceptable to talk about child abuse and neglect, but we don't think of it in terms of children who are neglected or abused by systems.

Ken's book is the kind of list of horror stories that makes us open our eyes, but the situation is much more pervasive than 10 or 12 horror stories.

There are children, my clients, who are deinstitutionalized, but who sit awaiting placement for over a year.

There are children, and I think of that as a form of official neglect—the State, in the name of being the better parent, takes the child away from a neglectful home perhaps, but then does nothing better and perhaps does much worse.

You don't have to even get to the extreme of some of my clients who have literally been beaten in placements, kickbacks to social workers, a whole variety of things that are very specifically more like the horror stories that Ken talks about.

One thing that is distinctive about legal services for children and which LEAA was interested in pursuing and almost no other source of legal funding was, was the fact that we are multiprofessionally staffed.

Most people look at lawyers and say, "If you try to be a social worker, you are not being a lawyer. If you are being a social worker you ought to stay at an agency and not hang around with lawyers. They are not good people to be with."

We have a dual staffing of a lawyer and what we call a legal case worker. We used to call them community street workers, or MSW's. They are basically paralegal trained professionals in child care.

We have no aversion to social workers, our legal staff, nor do they have it to us. The ability to have an in-office casework capability, enables us to find solutions.

We don't merely then just go into court and talk about legal mumbo jumbo or what a lot of people accuse lawyers of doing all the time. We talk about specifics, jobs, child care, alternative schools, anything that is necessary for that child's articulated desires, because our clients are or boss, and also, for what we all would call rehabilitation, is what we go for in court.

To answer the Senator's inquiry about trying to coordinate services, it is unfortunate that we have to get to a court hearing to do it, but indeed, because of our casework capability, we are able to bring a sentencing or disposition plan into the juvenile court, which combines school services, social services, counseling, and child care, perhaps alternative work as punishment, whatever is necessary to that own individual youngster's needs and desires.

We can get a court order that orders the school district to do something or orders the probation officer to do something or orders a teacher to do something, or get housing for a family.

Once again, I think it is unfortunate that we have to get to the state where we get into the courtroom to solve problems. But when a judge orders it, sometimes people listen. When I ask for it, people sometimes don't, unless I bring them to court.

I would also perhaps just like to mention that I feel that an office such as ours, in whatever city it exists and in whatever form that it exists, act as a watchdog on the public and private serving agencies that are there to serve children.

Our only boss are the 5- and 10- and 15-year-old clients: nobody else.

Once again, I have perhaps in my outlook for you because of California, but budget cuts, post-Proposition 13, are seeing children through agency directive, shuffled from place to place to cheaper placements, perhaps not placed at all so that money could be saved in foster care.

I don't think that any of the agencies perhaps are particularly or intentionally malicious, but I think that they run to a different drummer. Those of us who consider ourselves as child advocates have to know that the children should be our boss and our only concern, our ultimate concern and not an agency directive or a budget cut.

Just really briefly, you probably know my clients without knowing their names. 2-year-olds who get lit on fire, 7-year-olds who have already lived in a dozen places, one 13-year-old boy mislabeled retarded, relinquished at birth, never adopted, left in a place that Ken will have to write up, unfortunately, and still not placed. He still has no place to live. He has now been to 17, I think, places, altogether.

Children who are 14 who commit petty thefts are either sent home with absolutely nothing at all or locked up because there aren't substantive alternatives.

Children, who but for the fact that we can get a guardianship through a relative might wind up in the foster care system in a dozen different places.

Those are my clients. My clients need this committee's help and definitely the Office of Juvenile Justice and Delinquency Prevention's help.

Certainly, there are no other lawyers, unless we get the Government's help, because 5-year-olds just frankly don't pay $50 an hour fees or even $5 an hour fees.

So, we support, certainly, the reauthorization of the bill. We certainly support an independence for this Office so that things may flow more quickly whether they are positive or negative. We do support the Runaway and Homeless Youth Act so that our clients will have some place to stay when they are out on the street.

Thank you.

Ms. **Jolly**. Thank you very much.

Would anyone like to make a final comment?

Ms. **Thompson**. I would.

Ms. **Jolly**. Yes.

Ms. **Thompson**. Just kind of a one last summary line in listening to all the speakers today, whether you define it youth advocacy, legal advocacy, lay advocacy, because I think it is important to both to really have those combinations.

I think the emphasis is to look at outcomes, No. 1, what kind of creative leverage that you can bring to bear—what kind of tremendous, I think, resources in the community that you can really combine and organize and pressure to make change.

I think what we are really talking about is a checks-and-balance system. There is a lot of exciting talent out there that you need for that kind of leverage, watchdogging, case advocacy, class advocacy in whatever form.

I think the other important point I would like to stress, Mary, is that, yes, it is important to see the break families interpersonal abuses take place. But as Steve has said, and others, we really have to look at system abuse.

I think it is to the credit of this committee and to some of the Office initiatives. The major thrust and hurt and harm against children are very often the institutions which we give millions and billions of dollars to in fact support and service them.

Ms. JOLLY. Thank you very much. I appreciate your coming.

[The prepared statements of Father Ritter and Ms. Williams follow:]

PREPARED STATEMENT OF FATHER BRUCE RITTER

I am Father Bruce Ritter, Executive Director of Covenant House, a child care agency in New York City that has specialized in caring for runaway and homeless youth for more than twelve years. Covenant House has been a recipient of Runaway Youth Act funds since the Act's first funding cycle. I am grateful for the opportunity to testify before this Committee about the acute problems that affect many thousands of children in New York City and throughout the nation.

Twelve years ago I became involved with the problems of these young people, almost against my will, when ten runaway children sought help from me, asking to sleep on the floor of my apartment in the East Village of New York, where I was exercising what was called a ministry of service to the poor. These particular ten kids had been savagely abused by some junkies in the neighborhood who were pimping these children in order to support their habit, had been burned out of the abandoned building they were living in, and had, before that, been forced to make a pornographic movie in order to pay for their "room and board." These youngsters ranged in age from 14 to 17. Because I could not find any place or help for them in the child welfare system, I kept them. They moved into my apartment. So many hundreds of children began knocking on my door that my friends and I were forced to begin a new child care agency. Since that date we have sheltered many thousands of runaway and homeless children, returning thousands to their homes, helping others to prepare for independent living, and, when necessary, finding longer term placement for them.

Following its beginning as an informal runaway house in 1968, Covenant House became incorporated and licensed in 1972. By 1976, the agency operated eight group homes funded by New York City's child welfare system (and therefore available only to New York City youngsters) and two runaway houses for boys and girls from all over the country. The runaway houses are funded through the federal Runaway Youth Act and, since 1978, also through similar legislation passed in New York State. These residences provide shelter, counseling, and other crisis intervention services up to a maximum of sixty days, as well as aftercare services. Together the houses accommodate a static population of twenty-four and an annual dynamic population of seven to eight hundred.

Covenant House relocated its runaway programs to the Times Square area of New York City in 1976. Once in Times Square, we were practically forced—by the sheer numbers of runaway and homeless children we found there—to open an additional program. "Under 21," our crisis intervention and multi-service center, opened in the heart of Times Square in April, 1977. For the last three years we have operated our program there, on the so-called "Minnesota Strip," a seamy fifteen-block stretch of Eighth Avenue containing over one hundred strip joints, porno bookstores and movies, transvestite places, gay bars, male and female burlesque houses, peep shows, topless bars, and fleabag hotels. Tens of thousands of runaway and homeless youth flock to the area, attracted by the glitter and their own survival needs. They live by panhandling and stealing, by exploiting and being exploited. Most are touched by the life of prostitution. Many thousands, because they have no other solution, are forced to adopt prostitution as a lifestyle.

Although it is difficult to estimate the number of young people under the age of 21 who inhabit, or more properly subsist, in the area, one police report stated that there are at least 10,000 runaways and homeless youth in the Times Square area at any one time. Within only a ten square block of our program on Eighth Avenue, a one and one-half billion dollar sex industry flourishes. The police have identified over one thousand pimps that work this area. It has the highest crime rate of any section in New York City. It is no place for a child, yet it is the point of entry for runaway children traveling to the City by bus from all parts of the country. They are disgorged into a mammoth bus terminal surrounded by a huge sex for sale, sex as entertainment industry.

Our Under 21 program is open around the clock, seven days a week, and offers a full range of short-term services to youth aged 10 to 21. These services include shelter, meals, individual and family counseling, social worker services, medical care, advocacy, educational and vocational counseling and training, and employment referral. More than 14,000 youth have sought and received help from Under 21 since it opened three years ago. The number of children are still increasing dramatically: the average monthly figure for youth served has risen from 330 during 1977, to 619 in 1978, to 836 kids per month last year. And now, since the first of this year, more than 100 youngsters a night have slept at Under 21. Their average length of stay is about two weeks. Because little funding exists for youngsters without residence, i.e., runaway and homeless youth, eighty percent of the costs of our Center must be covered by private donations. We are always understaffed, underfinanced, and overwhelmed by the numbers of children coming to us at all hours of the day and night.

Just as large numbers of runaway and homeless kids forced us to open Under 21, even greater numbers drove us to search for a larger facility. Thanks to the intervention of Governor Hugh Carey, last year we found a new facility that enables us to provide 111 beds, in addition to all of the other program and supportive services needed by our youngsters.

Many people are unaware of the enormous dimensions of the problem of runaways and homeless children in our society—or what can happen to them. As members of this Committee know well, hundreds of thousands of kids run away every year in this country. According to a New York City Police estimate, there are at least 20,000 runaways (strictly defined in our state as kids under 16) in New York City at any one time. If you add to that number the many thousands of self-emancipated and disenfranchised youngsters between the ages of 16 and 18 and the even greater number between 18 and 21, the numbers of children on the streets are staggering. These numbers are not just pulled out of a rhetorical hat. Of the 14,000 youngsters who have sought help at our Under 21 Center since April, 1977, approximately 1,700 have been 15 and under; another 3,200 have been between 16 and 17; and 9,100 between 18 and 21.

There was a time when we turned away young people for whom we had no room. Now, knowing what I know about the dangers of street life, I can no longer turn a youngster away. The "environmental" hazards of the Times Square area—pimps and other exploiters of youth—are far too serious. A New York City police captain recently estimated that 70 percent of the youngsters picked up by New York City's police runaway squad are engaged in prostitution. Approximately two-thirds of the 14,000 youngsters who have come to Under 21 have been involved in prostitution, and it is difficult to describe how grim and ugly and tragic their lives are. Consequently, when the twenty-four beds in our runaway group homes and the 111 beds at Under 21 are full, we bed youngsters down on the floor. We cannot turn them back to the street. I did it once, and I can't do it again. As long as I live I can never forget the faces of two kids that knocked on my door very late one night. One of them said, "Are you Bruce?" and I said I was, and he said, "Do you take kids in?" and I said, "Yes" and he said, "Can we stay with you?" I said "No, because we have no room," and he began to cry and he said, "Where can I go and what can I do?" I said, "You can go back into the street and look sad." And he stopped crying and looked at me and said, "I can do that." He did. They both went back into the street. One boy was 15, the other was 14.

We now know too well what happens when runaway and homeless youth are forced to live on the streets because there are no residences or other facilities to provide care and protection for them. The sex industry aggressively recruits them for the life of prostitution. A pimp actually came into our Center one morning and offered us $500 for a 13 year old girl from Maine. A 14 year old boy was chased into our Center one day by his pimp (who was about 40). The boy had been held prisoner in a motel right down the street, for about six weeks, and he had escaped. And the pimp had a broken bottle. He was trying to kill the boy. A 17 year old girl from Staten Island had a tough time making the $200 a night her pimp required. And so she would come into our Center for just a few minutes at a time, to get a bite to eat or a shower, before she went back on the street. I met her a few weeks before Christmas, and she was killed just shortly before New Year's. Her body was chopped in a dozen pieces, and distributed in various parts of New York and New Jersey, wrapped in Christmas packages. In the last twelve months, nine of my children have died—shot, stabbed, thrown out of windows, suicides. We feel that our program has saved dozens of others from this fate.

Thanks to the Runaway Youth Act, services that reach out to such youngsters are available throughout the country. This legislation has legitimized an effective model of nonpunitive shelter, crisis intervention, and conflict resolution for runaway youth. The legislation has helped thousands of runaways and their families, through programs that interpret runaway episodes as symptoms of family disturbance, rather than aberrations in the youth themselves.

I am pleased to note that a recently introduced bill reauthorizing this legislation, S. 2441, calls for renaming the Runaway Youth Act and Homeless Youth Act. I would like to comment with some greater emphasis on the problems confronting homeless youth from 16 to 18, which are somewhat different from those experienced by runaway youth. These homeless youngsters are appearing in increasing numbers at runaway shelters in all of our large urban areas. They differ from runaways in that their families have long since abandoned them to the streets and in that public jurisdictions frequently deny responsibility for them. When youngsters have no permanent residence and are over 16, they are generally not eligible for services from the child welfare system. And even though they are often victims of abuse and neglect, homeless youngsters are rarely known to the Family Court System unless they have been picked up for delinquent behavior.

For the most part, these adolescents cannot get the medical help they need, cannot easily qualify for public assistance, cannot enter into contracts, cannot find a decent job. They are free, however, to wander the streets, panhandling, exploiting, being exploited. Many thousands of them become willing or unwilling victims of the sex industry that feeds on children. They have few options: cold, hungry, homeless, desperate for affection, they fall easy prey to those who know all too well how to exploit them. These children find it almost impossible to get help. Until Covenant House opened Under 21, with the help of the Roman Catholic Archdiocese, there were absolutely no services for these thousands of 16 to 18 year old children in the Times Square area.

While the present Runaway Youth Act stipulates that homeless youth shall be served, it is geared to the needs of the traditional runaway of the 1960's, the youngster who, with counseling and supportive family services, can return home within a two-week period. While massive numbers of youngsters still run from families that can be reunited, in our experience at least an equal number can truly be called homeless. Just locating the parents of these youth may require more than the two week shelter period mandated by the Runaway Youth Act. And if ultimately families cannot be located or reconciled, preparing these youth for independent living or findings appropriate placement for them usually requires considerably longer than two weeks. A two month shelter limit would be far more realistic. This problem is not unique to Times Square, for the other members of the Empire State Coalition (an organization of runaway programs throughout New York State and New Jersey) estimate that they serve 50 percent homeless youth and 50 percent runaways. Of course, at Covenant House the percentage of homeless youth is even higher than 50 percent. I would like to see the new legislation more effectively address the needs of these youth.

At the very least, monies should be authorized for demonstration grants to develop effective models of preparing homeless youngsters for independent living. Centers for independent living preparation for the handicapped are now being funded through the Office of Human Development Services of HEW. If you could spend an afternoon at Under 21, I believe you would leave in the certain knowledge that these slightly older homeless adolescents are under a severe handicap in their search for survival.

There is a third category of homeless adolescents who are not now eligible for funds through the Runaway Youth Act, the 18- to 21-year-old age group. Youth 18 and over are widely believed to be potentially self-sufficient. Our experience demonstrates, however, that often their potential cannot be realized without considerable support services. A major cause of delinquent activity in the Times Square area is the lack of shelter and other services for these thousands of older adolescents, forced from their homes by families who cannot afford them. Severely deficient in skills and education, these young people adopt the life of the streets simply because no other alternatives exist.

The percentage of 18 to 21 year olds served at Under 21 has increased from 60 percent of our total client population in 1977, to 63 percent in 1968, to 68 percent, or 3,500, last year. Because of their age—they are too young—these youth are turned away by the City's Men's and Women's Shelters, which serve the homeless adult population of New York City. Covenant House is just one of the agencies in urban areas faced by the massive needs of older homeless adolescents. I advocate strongly that eligibility under the Runaway and Homeless Youth Act be expanded to include homeless youth up to the age of 21.

I am strongly opposed to the possible placement of the runaway and homeless youth program in the Office of Juvenile Justice and Delinquency Prevention. Placement in OJJDP would in itself imply that youth who run away or are homeless are blameworthy. It is completely inappropriate to involve youth in the juvenile justice system based simply on their runaway or homeless status. I support that continued placement of the Act in HEW (or the new Department of Health and Human Services).

Finally, the funding of this program should be increased to at least $25 million, with increases to account for inflation, in order to keep pace with the runaway population and have some impact on the needs of homeless youth. While I am aware of the current push to reduce fiscal year 1980 spending by more than $2 billion and to balance the budget in fiscal year 1981, I hold out hope this will not be done at the expense of the nation's children.

The murder of twenty-six adolescent boys, most of them runaways, their bodies discovered in Houston in 1973, was the impetus for initial passage of the Runaway Youth Act in 1974. A similar price must not be exacted for the reauthorization of this legislation.

RECENT CASE HISTORIES, RESIDENTS OF COVENANT HOUSE RUNAWAY PROGRAM FOR GIRLS, MARCH 25, 1980

(1) Linda, aged 16, ran dozens of times from a mother prone to breakdowns and an alcoholic and seductive father who physically abused her. Each time she received a beating from her father, Linda left home in New Jersey for Times Square. There she engaged in prostitution and drug use. Linda came to Covenant House and received shelter and counseling in the girls runaway program. Early one morning she was pursued by a street gang and ran into a building and up to the roof. Either falling or jumping in her panic, Linda was impaled on an iron fence, which had to be severed with a blow torch in order for her to be taken to a hospital. Linda is now living at home and receiving physical therapy. Her father is attending AA meetings. Linda and her parents are now engaged in family therapy with her Covenant House social worker.

(2) Nancy was a 16 year old runaway from a wealthy New Jersey family. At the time she came to Covenant House, she had recently left the hospital where she was taken following a suicide attempt. Arriving in New York City to "start a new life," Nancy narrowly escaped being raped by a man who offered to take her home with him. Nancy became aware of the dangers of street life, and with counseling support returned home to concerned parents.

(3) Diane, 16 years old, left her grandmother's home in North Carolina when her grandmother could no longer care for her. Diane arrived at Covenant House scared, hurt, and hoping to find a home where she would be cared for and an opportunity to attend school. She now resides in a long-term Covenant House group home, attends high school, and hopes to attend college.

(4) Renee ran from parents whose own severe emotional difficulties prevented them from providing her with the care, support, and structure she needed. At age 13, Renee stopped attending school and started spending most of her time away from home. Our work with Renee and her family focused on helping them to ac-

knowledge family difficulties and accept help from a family service organization in their community. Renee is now living at home, and she and her family are receiving follow-up services.

(5) Carmen, a 13 year old who ran from a series of foster home parents, was described as a "chronic runaway." This withdrawn, soft-spoken youngster hardly said a word during the first week of her stay at Covenant House. Gradually she revealed that her motivation in running was to reunite with her biological family, with whom she had strong emotional ties. Arrangements were made for her to live with her aunt, who was already caring for Carmen's brothers. Aftercare was provided for both Carmen and her aunt.

(6) Ellen came to Covenant House at age 16, described herself as a "drifter." She and her alcoholic mother had lived in a series of welfare hotels. Ellen was exceptionally bright and had been accepted in a city high school for gifted youngsters, but never had the opportunity to attend school regularly. Ellen's mother could not be located, but her father became involved in planning with Ellen and Covenant House staff. Ellen accepted placement in a diagnostic center where an in-depth assessment of her needs and long-term planning could be done.

(7) Anne, 16, came to Covenant House on the run from a home where she had suffered physical and emotional abuse for many years. During her stay she gradually responded to the support of staff and began understanding her feelings towards her family and her self-destructive actions. Anne now resides in a Covenant House long-term group home.

(8) Rita, a 14 year old runaway, left foster care placement at age 12 and lived in the New York City streets for almost two years. She came to Covenant House determined to return to her home state and "make a new start." Covenant House staff provided in-depth counseling and worked closely with Rita's out-of-state caseworker, enabling her to return to placement in her home state.

(9) At 17, Eve came to Covenant, leaving a mother who could no longer care for her. She planned to live independently, but was a high school dropout without job skills or experience. During here stay, staff helped Eve prepare for independent living, arranged for her to enter an educational training program, and continue to work with her on an aftercare basis.

(10) Juanita, 17, left a home where her mother restricted her to the house and did not allow her to attend school. Juanita had been living on the streets with a half-brother for months when she arrived at Covenant House. She has since enrolled in an educational/vocational training program, made plans to live independently, and improved her relationship with her family.

(11) Jane, a 16 year old runaway from Connecticut, had left home at age 14 following her parents' threat to commit her to a psychiatric hospital. She left Covenant House after a few days to live with a friend in Connecticut, explaining that it was difficult for her to stay in one place for any length of time.

(12) Susanna, almost 18, ran from a home where she was locked into battle with her mother, who attempted to control every area of her life. She arrived at Covenant House unable to control frequent outbursts of rage. Susanna's plan was to live independently, but she soon faced the reality that her emotional state needed immediate attention. Counseling and casework with Susanna, her family, and a community health center resulted in her entrance in a therapeutic day treatment program.

(13) Terri, 14, ran three times from a mother who continually abused her, both physically and emotionally. Each time Terri was returned home by police. She subsequently ran to Covenant House, where staff took her allegations seriously and contacted Child Protective Services in her home state. A New Jersey caseworker found temporary placement for Terri and initiated work with her family.

(14) Tina, age 16, ran from her home in Westchester, alleging abuse by her mother. She remained at Covenant House until the Westchester Department of Social Services arranged temporary placement and began investigating her family situation.

(15) Monica, age 12, repeatedly ran from an ambivalent, neglectful mother. Family services were arranged for Monica and her mother through Special Services for Children. Because of difficulty in locating an appropriate placement, Monica has been temporarily placed in a transitional shelter, where she is doing well.

(16) Debby, age 17, ran away from Georgia. She wanted to "get on her own two feet" and to become independent of her family. Covenant House Vocational staff arranged for Debby to enter a training program.

(17) Esther, age 18, came to Covenant House four months pregnant and in need of shelter. While at Covenant House she exhibited signs of psychiatric disturbance, and social work staff have worked closely with Esther toward long-term planning for herself and her baby.

(18) Ann, age 17, came to Covenant House after living on the streets for six months. She was motivated to work with staff around her difficulties, and expressed a desire to return to her mother in Puerto Rico. After the mother was contacted and agreed to this plan, arrangements were made and Anna returned home.

(19) Dee, age 17, came to Covenant House with a history of drug and alcohol involvement, after living on the streets for quite some time. Covenant House staff worked to prepare Dee to enter a therapeutic community where she could get help for her drug problem. Dee accepted the referral and is presently participating fully in a therapeutic community program.

(20) Carol, age 18, has a 6 month old baby in foster care. When she came to Covenant House, she resented being separated from her child, but eventually recognized she was in no position to care for it. Staff worked with Carol to help her find a job and a temporary living arrangement with a relative. She is receiving aftercare services and maintaining contact with the foster care agency responsible for her child.

(21) Maria, age 14, ran away from her home in Florida, and came to Covenant House after spending some time on the New York City streets. She was very frightened by Times Square and responded easily to staff warmth and support. Arrangements were made for Maria to return home to a very concerned mother.

(22) Kim, age 14, ran from her home in New Jersey at a time that her mother was emotionally unable to care for her. Covenant House staff notified New Jersey authorities, who were unable to immediately provide placement for her. Kim responded well to Covenant House staff and other residents. She eventually decided to return home to her mother, and arrangements were made for a family agency in New Jersey to provide aftercare services.

(23) Sally is the mother of a 2 year old child. She came to Covenant House requesting help in living independently with her child. Covenant House provided transitional shelter and assisted her in preparing for independent living. Sally now lives on her own and continues to see her social worker for aftercare services.

(24) After running away from home three times in one month, Jessica, age 16, came to Covenant House. Staff worked with Jessica, and her mother around the difficulties they experienced at home. The local child welfare agency was consulted and arranged for Jessica's placement in a group home facility. Mother and daughter consented to this arrangement and have been receptive to family counseling aftercare from Covenant House staff.

RECENT CASE HISTORIES, RESIDENTS OF COVENANT HOUSE RUNAWAY PROGRAM FOR BOYS, MARCH 25, 1980

(1) Joe, aged 15, ran away from home because his father physically abused him. Joe's mother died two years ago and he is still mourning that death. Joe's father is very angry over his wife's death and takes it out on Joe by beating him and blaming him. Joe could no longer tolerate the beatings at home so he left. Upon arrival to the program, the abuse was reported to Central Registry, and Joe has since been placed in a group home where he is continuing school and growing in a healthy atmosphere.

(2) Andre, age 11, ran away from home where he lived with his mother and younger sister. In talking with Andre, we discovered he has been running away since his father abandoned the family. Andre doesn't understand why his father left and feels he is to blame. While at the program we contacted Andre's mother and met with her to discuss the situation. Andre has since returned home and the family is involved in counseling with our Family Services Unit.

(3) Tim, age 9, came to the program with two other youngsters whom he said were his brother and sister. In speaking with Tim and the other youngsters, we discovered that Tim was not related to them. The two youngsters (who were siblings) found Tim on the street crying. He told them is father was beating him up and that he had no family. These two youngsters were also being beaten at home so they kept Tim with them. While at the program we contacted protective services for all three youngsters and they were placed in appropriate foster homes.

(4) James, age 15, ran away from home where he lived with his grandmother. James has been shifted from one family member to another since age five. He told us his mother had a "nervous breakdown" so she couldn't take care of him. He had never seen his father. James' grandmother is an elderly woman who has various medical problems and is unable to keep up with James. Our staff contacted the grandmother and she said she was no longer able to care for this youngster. We were able to refer James to an appropriate group home residence where he now lives.

(5) Louis, age 15, ran from an abusive and alcoholic father. His mother died three years ago and after his father remarried, the stepmother, wanted nothing to do with Louis. Our staff worked with protective services in finding an alternate living situation for Louis and he is now living with an aunt. His father, who has a severe drinking problem, is involved in ongoing counseling in another agency to which we had referred him.

(6) Doug, age 17, came to the program after leaving a drug treatment program where he had been inappropriately placed. Doug told us he was involved in minor street crimes, had been in Rikers Island a number of times and is presently on probation. While Doug was here, we contacted his parents and they were unwilling to have him return home because of his past behavior. Doug was upset about this, yet stated that he felt it would be better for him to be in a group home outside the city so he could be off the streets. Our staff also felt this was an appropriate plan and positive step for Doug so we proceeded with it. Doug is now taking GED classes and keeping a part-time job while in placement.

(7) Tom, age 14, left home because his father was severely neglecting and abusing him. Tom was brought to us by an older sister who stated that the father was a chronic alcoholic and never bought food for the children. She also told us that for the past month Tom had been kept locked up in an empty room in the apartment without food, water or clothing. The father was "punishing" Tom for a grade of 80 on a math test in school. We got protective services involved in the case and Tom was placed in a residential setting where he receives appropriate counseling and is doing very well.

(8) Raymond, age 16, came to New York from North Carolina where he lived with his mother and eleven siblings. Raymond's family was very poor and his mother felt that if he came to New York he could get a job and send money to the family. Because of his age, Raymond was unable to find a job so he began stealing. By the time Raymond came to the program he had been arrested several times and had several court appointments. We worked with the court system and also with North Carolina to get the family financial assistance. Once all plans were arranged, Raymond returned home to his family.

(9) Tony, age 12, had been a chronic runaway since age 9. His mother, who was very limited emotionally, did not know what to do with him. In talking with Tony, we discovered that he blamed his mother for his father's desertion. We and the family both felt that it would be best if Tony were to live with another family member, while being involved in counseling. We contacted a grandfather in Boston who was very willing to care for the youngster and presently Tony is living with him. We have been in contact with them and Tony seems to be doing very well.

(10) Sam, age 17, was thrown out of the house by his mother as she felt he was interfering with her life. Sam spent several weeks hustling on the streets before coming to the program. He desperately wanted to return home but his mother would not have him. Sam finally resigned himself to the situation and has been placed in a group home where he has gone back to school and is working part-time. Sam is followed in an aftercare program.

(11) Louis, age 16, was thrown out of the home by his mother who accused him of a variety of acting out behaviors. Louis denied these allegations and was very angry at his mother. When he came to the program, we had several family meetings to determine what the home situation was like. At first Louis' mother refused to take him back and also refused to sign him into placement. The staff worked very closely with Louis and his mother eventually agreed to sign him into placement. We were also able to refer Louis' mother to an agency where she is being counseled and given the support systems she needs to sustain herself and her family.

(12) Don, age 14, came to New York from Maryland where he lived with his mother. Don stated that every time his mother would get angry with him, she threatened to have him hospitalized. According to Don, the mother had had him institutionalized twice because he wasn't doing well in school. Don was afraid this would happen again so he left home and hitchhiked to New York. Don did not want to return home, but was willing to go to a runaway shelter in Maryland where there were support networks for him and his family, as he realized that New York was "too fast" for him.

(13) Claude, age 16, was raised by a woman who found him on her doorstep when he was seven years old. According to Claude, this woman attempted to find Claude's parents, but was unable to do so. One day he came home from school and found this woman gone and the apartment was empty. Claude had no where to go so the police referred him to Covenant House. Claude was born in the Bahamas. Our staff called several agencies there to determine whether anyone was responsible for the boy. We were unable to locate his parents or any relatives and Claude, in effect, was an abandoned child. We called Special Services for Children and they successfully placed Claude in an appropriate long-term residence.

(14) Paul, age 13, ran away from home due to an abusive father. When Paul arrived at the program he had several bruises and open wounds on his body which were inflicted by his father. Paul left home several times before but was told to return by family members as they felt the father was justified in beating him. Our staff contacted protective services and Paul was placed in a group home. Paul still keeps in contact with the staff.

(15) Joe, age 17, had been in many placements throughout his life. His mother was a drug addict and his father committed suicide when this youngster was 14 years old. Joe has been unable to come to terms with his father's death. He spoke about having many nightmares and not being able to concentrate. Joe also had problems finding a job which made him very depressed. Our staff counseled Joe about his fears and frustrations and they were able to assist him in finding a job. In working towards discharge, Joe found an apartment and still continues to use our aftercare services.

(16) Jose, age 16, came to our program because his mother went to Puerto Rico and said she couldn't afford to take him. Jose's mother told him to stay with his alcoholic father who was unable to support him and was hardly ever home. Jose was unable to remain in this situation, so he left his father's house and arrived at Covenant House. In contacting the mother, she stated her concerns for Jose and told us that she had wanted to take him with her but had been financially unable to do so. As Jose wanted to be with his mother, we made arrangements to have him go to Puerto Rico. The Department of Social Services in Puerto Rico was also enlisted by staff in order to assist this family.

(17) Tim, age 13, had been badly beaten by his alcoholic father prior to coming to the program. He had several lumps and bruises on his head and upper torso. Tim was found on the streets by another youngster who was involved in a local gang and this boy brought Tim to Covenant House. Tim arrived very concerned and frightened that his father would find him and beat him again. Our staff was able to contact protective services and have Tim moved to a more appropriate and healthy setting.

(18) Steve, age 17, was living in Florida with his grandparents before he came to the program. Steve said he had been in continual contact with his mother (who lived in New York) but became worried when he didn't hear from her for two months. Steve came to New York to see if his mother was alright, but found the apartment empty. He went to the police and they referred him to our program. Steve and the staff made several attempts at locating his mother

but she could not be found. After several days a staff member was able to locate a woman who knew where Steve's mother was located. We were able to reach the mother and arranged Steve's reunion with her.

(19) George, age 13, started running away from home at age 10. When George came to the program he told us that he and his family would always argue. Our staff made contact with George's family and set up several family meetings to assess the home situation. After in-depth discussions with George and his parents, George decided to return home. The family is presently involved in ongoing counseling with our Family Services Unit.

(20) Jack, age 17, came to our program after being discharged to himself from a state psychiatric facility. He was initially committed by his parents at age 15 when he told them he thought he was a homosexual. By the time Jack arrived at Covenant House, he had already acquired various institutional behaviors such as rocking back and forth in his chair and staring blankly into space. In talking with Jack we discovered that he was terrified of being in the community. He became so dependent on the hospital that he felt helpless. We attempted contact with Jack's parents but they wanted no further involvement with him. We were finally able to refer Jack to a group home with youngsters his own age and where he has been able to return to school. Our staff kept in contact with this group home and was told that Jack was steadily progressing.

(21) Carl, age 17, left an alcoholic father and drug addicted mother in Chicago. He hitchhiked his way to New York because he had been told he could make "easy money." Carl had been hustling nine months in Times Square before he came to the program. It took many hours of intense counseling and discussion to help Carl begin to realize the price he was paying for the so called "easy money." After much perseverance, the staff was able to get Carl to agree to go into group home placement. Carl was willing to try it, on a "temporary basis." Upon Carl's discharge from the program, the staff followed up with the group home and found that Carl is still in placement. It has been nine months since he left Covenant House.

(22) Chris, age 17, has been in placement most of his life. He stated that his mother didn't want him so he was put away. Our staff made several attempts at contacting Chris' mother but to no avail. While Chris was at the program, we helped him to get a job and enroll in a GED program. Chris went to live with a friend and periodically keeps in contact with the program.

(23) Steve, age 16, has been in placement most of his life. Steve was tired of being moved from placement to placement and wanted desperately to return home "like other kids." Our staff tried to contact Steve's mother but she wanted no part of him. We were finally able to contact a grandparent in Boston with whom Steve is now living.

(24) Tony, age 17, was thrown out of his house by his mother because she felt he was not motivated enough to obtain a job. Tony and his mother argued frequently because he wanted to attend GED classes and she felt that wasn't important. Our staff helped Tony get into a GED program as well as obtaining a job. Tony is now living on his own and utilizes our aftercare services.

(25) Pete, age 17, arrived at Covenant House after his home situation became chaotic due to his father's drinking problem. Pete felt himself under a great deal of pressure at home and could no longer concentrate on school. Pete views his education very seriously and has hopes of attending college. Our staff spoke with the father who appeared unconcerned about the boy's welfare. We were able to contact an aunt, with whom Pete lived previously, who said Pete could live with her. Pete will be graduating from high school in June and going on to college in the Fall.

COMPREHENSIVE SERVICE STATISTICS—UNDER 21 CRISIS INTERVENTION CENTER (EXCLUSIVE OF RUNAWAY GROUP HOMES)

	April 1977 to December 1978	Percent	January 1979 to December 1979	Percent	Total April 1977 to December 1979	Percent
Total number served	10,395		10,742		[1] 21,137	
Total number visits	31,640		39,246		70,886	
Sex:						
Male	8,353	80	8,866	83	17,219	81
Female	2,042	20	1,876	17	3,918	19
Ethnicity:						
Black	5,755	55	6,821	63	12,576	59
Caucasian	1,726	17	931	9	2,657	13
Hispanic	2,009	19	2,586	24	4,595	22
Other and unknown	905	9	404	4	1,309	6
Age:						
Under 12	49	1	27		76	
12 to 15	1,083	10	955	9	2,038	10
16 to 17	2,471	24	2,408	22	4,897	23
18 to 20	5,956	57	6,874	64	12,830	61
21 plus	411	4	387	4	798	2
Unknown	425	4	91	1	516	2
Presenting request:						
Shelter	2,251	22	2,135	20	4,386	21
Food	5,946	57	8,521	80	14,467	69
Job	116	1	4		120	
Counseling	1,270	12	35		1,305	6
School	2		13		15	
Other	317	3	21		338	2
Unknown	493	5	13		506	2
Revisits:						
Number of repeat visitors	4,119	40	5,512	51	9,631	46
Number of average visits	6		6		6	
Reception/intake	34,174		41,086		75,260	
Counseling	14,969		15,631		30,600	
Meal service	70,876		81,075		151,951	
Average per day	111		222		151	
Shelter	17,103		19,538		36,641	
Average per day	27		54		36	
Job counseling	990		84		1,074	
Groups	1,075		18,051		19,126	
Family sessions	122		65		187	
Returned home	481		910		1,391	
Referrals:						
Referrals elsewhere	1,102				1,102	
Shelter	858		1,352		2,310	
Job	15				15	
Other	838		1,096		1,934	
Social work:						
Individual casework	2,977		4,554		7,531	
Family casework	897		1,216		2,113	
Groupwork	269		1,161		1,430	
Referrals:						
Community agencies	282		272		554	
Placement	234		146		380	
Advocacy on behalf of youth and families	3,871		6,712		10,582	
Medical:						
Individual counseling	655		2,196		2,851	
Group counseling	31		27		58	
Medical examination	135		570		705	
Medical referral	195		617		812	
Walk-in team:						
Individual counseling			2,117		2,117	
Family counseling			111		111	
Advocacy			409		409	
Referrals			319		319	
Family service unit:						
Individual counseling			19		19	
Family counseling			396		396	
Advocacy			139		139	
Referrals			5		5	
Educational/vocational counseling:						
Individual counseling	891		653		1,544	
Group counseling	715		820		1,535	
Job referral	653		276		929	
Educational/vocational referral	127		207		334	
Tutoring			359		359	
Testing			31		31	
Days of school attendance			199		199	
Days of on-the-job training						
Obtained jobs while at U-21			46		46	

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[1] Total number served in calculated on a monthly basis. Therefore, the total number of new children served during this time is 11,506.

PREPARED STATEMENT OF JUDITH K. WILLIAMS

Senator Bayh, Honorable Gentlemen of the Committee: My name is Judy Williams and I am the Director of Open-Inn, a shelter care agency in Tucson, Arizona.

I would like to take my time to give you an idea of what Open-Inn is and what we do for our community; how we utilize the fundings we receive under the Runaway Youth Act.

Open-Inn began in December of 1974 and we were the first agency in the State of Arizona to provide short term residential care and counseling for runaway youth. In our first year of operation we served about 300 youth, that number has now grown to over 500 in 1979. We operate two homes, and now have 3 full-time counselors, 2 Program Coordinators, and 6 houseparents, with an annual operating budget of $190,000. 45 percent of that budget comes from Federal monies.

We provide short term housing, up to 15 days, on a crisis basis and our clients are seen daily by one of our counselors. We encourage their families to participate and we now provide an aftercare program for up to 90 days to insure family stability.

The majority of our clients have returned to their homes or a member of their extended family; are now in school or preparing to return to school, and most have not run away again.

At Open-Inn we try to help our youth decide on their future plans and goals, and we provide counseling for the entire family. While they stay at one of our homes the youth are provided with groups and recreational activities, and our counselors will act as their advocates with the Juvenile Court system, the School system, and, when necessary, the Welfare system.

In addition to our residential and aftercare services we handled over 7,500 phone calls last year, ranging from information and referral issues to crisis intervention and telephone counseling. We maintain a 24 hour Crisis Hot Line which is well publicized within our community.

Our service area, the City of Tucson, now has a population of about 500,000, of which about ⅓ are under the age of 18. According to Juvenile Court statistics, Tucson had about 1600 runaways picked up last year. The F.B.I. feels that this is perhaps ½ of the total number of youth who actually leave home.

About 47 percent of the youth in our area who enter the juvenile court system have "running" listed as one of their offenses. About 22 percent are there for that problem alone. Another statistic that we have seen is that about 70 percent of our clients are females, with an average age of 15 years old. With Tucson's population expected to double by the year 2000 I think we can expecte a continued increase in our client population, and an increased need for neighborhood shelter care programs to provide the service and counseling necessary to guide our youth.

I have come here today to show my support for the reauthorization of the Runaway Youth Act. I would also like to voice my preference for Senator Bayh's bill which would increase the allocation and provide an adequate funding level for the next 5 years.

Without the support of this act, agencies like Open-Inn will more than likely be forced to close their doors. The youth that we now counsel and serve will be forced back on the streets, and without trying to sound too melodramatic, all indications are that we would see an increase in drug use, prostitution, and petty crimes.

I said earlier, Open-Inn's annual budget now consists of about 45 percent Federal monies. However, we have been active in our pursuit of local and state grants and have been very successful in moving away from a total dependence on federal money, which I feel is the correct way to run a community based service agency. We use our federal money to match local grants and it also enables us to go after private funds from individuals, religious groups, and private foundations. But the plain fact of the matter is that without this money we would not be able to exist in the form that we do today.

In closing I would like to say that Open-Inn has been fortunate in that we have received the enthusiastic support of our community. Our Board of Directors reflects this support in their broad based membership, and in their willingness to give many hours of their time volunteering for various duties on behalf of Open-Inn. We have taken our responsibilities seriously and have strived to go above and beyond the national goals that were set by this act. We have successfully linked with other youth serving agencies both locally and nationally, and I was recently elected to be the regional representative to the National Network of Runaway Youth Services. To continue with our work. Gentlemen, we need your help. I hate to hear people saying, "he is young, he must wait; he will have plenty of chances". Without the re-authorization of the Runaway Youth Act there may just be fewer chances this time.

Thank you.

Ms. JOLLY. The last panel this afternoon will be Sue Matheson, executive director, Xanthos, in Alameda, Calif.; Ronald W. Clement, executive director, Diogenes Youth Services, Davis, Calif.; Cynthia Myers, Metro-Help, Inc., Chicago, Ill., Robbie Callaway, member, Maryland State Advisory Group and also, a member of the National Youth Work Alliance, and Becky Davis, director, Southern Area Youth Services or SAYS.

First, I would like to say that Senator Mathias does send his apologies. He was unavoidably called away right now. He was planning to be here for a part of the hearing today. And, as you all know, Senator Mathias was an original sponsor of the Juvenile Justice Act, in 1972. He was the ranking minority member of the Subcommittee to Investigate Juvenile Delinquency when Senator Bayh was the chairman.

They worked very closely together over the years. I know that Senator Mathias feels as strongly about the Juvenile and Runaway Youth Act as Senator Bayh and many of the other Members of the Senate and the House.

When the bill originally passed in 1974, it was by an overwhelming bipartisan vote of 88 to 1.

In 1977, when it was reauthorized, it was passed by unanimous consent.

We hope that this bodes well for 1980, since we have gone uphill and we are going to keep going uphill.

The House has been just as generous with their votes, also. In 1974, the House passed the Juvenile Justice Act by a vote of 329 to 5.

Then, in 1977, the vote was 389 to 5.

So, we have made a lot of headway on both sides.

Welcome this morning. Let us start out with Sue Matheson, the executive director of Xanthos.

Sue?

PANEL OF: ROBBIE CALLAWAY, MEMBER, MARYLAND STATE ADVISORY GROUP; SUE MATHESON, EXECUTIVE DIRECTOR, XANTHOS, ALAMEDA, CALIF.; CYNTHIA MYERS, METRO-HELP, INC., CHICAGO, ILL.; BECKY DAVIS, DIRECTOR, SOUTHERN AREA YOUTH SERVICES; AND RONALD W. CLEMENT, EXECUTIVE DIRECTOR, DIOGENES YOUTH SERVICES, DAVIS, CALIF.

Ms. MATHESON. Thank you.

I am here as chairperson of the board of directors of the National Network of Runaway and Youth Services, speaking on behalf of our membership.

You have heard today 12 individuals who are members of the national network. Our membership which founded the first runaway services nationwide has increased their service delivery system over the past 13 years so that currently our members are largely multiservice delivery centers in community-based settings.

As an example, I am director of a community-based agency in California which is impacted by the total Juvenile Justice and Delinquency Prevention Act.

We have a status offender program that was started under the deinstitutionalization of status offender initiative out of the Office.

Locally, I have seen programs such as the children in custody initiative make tremendous changes for the children that we serve.

Additionally, the work done by the assessment centers program currently funded under the institute, will have an impact on the types of programs we will be designing for the future.

The importance of the Juvenile Justice Act and Senator Bayh's role is not to be disputed. I am here with a clear mandate from our membership to let you know that we collectively support the passage of S. 2441, and commend Senator Bayh for his continued efforts.

We have submitted a written statement for the record. I will, therefore, briefly highlight some of the key areas we wish to comment on.

First, we are gravely concerned over the renaming of the act as the Violent Juvenile Crime Control Act of 1980.

Ms. JOLLY. Let me just correct that. The same point came up yesterday. We did not rename the act. The act will still be entitled the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, by this legislation.

Ms. MATHESON. It is a very important issue because the whole spirit of the act is based on the prevention of juvenile delinquency.

Ms. JOLLY. You are correct.

Ms. MATHESON. It is important for us at a local program level and for the funding flow for that spirit and emphasis to remain.

Ms. JOLLY. The bill S. 2441, is just a minor amendment to the overall law. We will still have the major portion of the Juvenile Justice Act retained.

We appreciate that comment. I know the Senator was interested about that yesterday, too.

Ms. MATHESON. One of the suggestions that we have offered regarding the whole issue of the violent juvenile offender is that you consider establishing a new title. As title III, the Runaway Youth Act, provides for specific services, there could additionally be a special title for the violent juvenile offender.

We are aware that it is a very small number of offenders we are talking about, and still, there seems to be a clamor from the public to do something about it.

Unfortunately, this tends to mean "lock kids up." There are other more creative ways of looking at treatment of the violent juvenile offender. If it were under a separate title, that might be conducive to some program planning, other than just institutionalization.

Ms. JOLLY. Senator Bayh is opposed to institutionalization of anyone who hasn't committed a crime.

Ms. MATHESON. Right. We are talking about institutionalization as being the only treatment modality for violent offenders. There are other ways to work with kids who have committed violent crimes.

Ms. JOLLY. Right. Senator Bayh has never proposed that institutionalization is the only answer at all.

As a matter of fact, I think one of the reasons that he wants to bring this topic to the forefront is because it appears as though the media and some social welfare people and people in the psychology field and education field, do focus on this issue of violent offenders.

I know Senator Bayh and I realize that violent offenders are a very small percentage of our entire population of youngsters in the juvenile justice system.

Ms. MATHESON. Yes, I agree.

Ms. JOLLY. But I believe what the Senator expected in doing that was to receive adequate information on how many people there were who were violent offenders and how much money do we have to use in our system for them so we could for once put a lid on the myth that the majority of our young people are violent offenders. Our young people are making accomplishments like being "Children's Express Reporters" like Mara Lozier that you heard testify this morning.

It is a problem that I hope we all get to work with.

Ms. MATHESON. Yes; we would be very supportive of that clarification.

I would like to bring up a couple of other issues that we are concerned about. One of the areas is around the Office itself and the testimony you heard this morning regarding funding flow problems and slowdowns. The staffing pattern has always been a critical issue for the Office.

We would hope that in light of the recommendation to increase funds, there would be an appropriate increase in the staff of the Office in order to move the funds in a more timely manner.

I know you have mentioned this concern also. In another matter we are aware that the House Budget Committee has eliminated funding at this point for LEAA and we believe that this warrants attention.

In light of any concurrence by the Senate, we suggest that the autonomy of OJJDP is absolutely critical at this time.

We recommend that Congress consider the maintenance of effort moneys be salvaged since they are critical at this point to the entire amount of funds that juvenile justice programs have to work with.

Something of special interest that Senator Bayh has introduced in S. 2441 we heartily support. Too often we in the field have found that pat solutions to complicated juvenile delinquency prevention problems are adopted due to mass media exposure, when something becomes "popular" because it has received television coverage.

These kinds of programs tend to be replicated all over the country, based on the publicity they receive. Therefore, we are very supportive of the provision for a detailed evaluation of the Rahway juvenile awareness project.

Ms. JOLLY. Thank you. I know that Senator Bayh was interested in that too, because this program has been controversial.

It would be very beneficial to have at least that Federal Juvenile Justice Office do a detailed evaluation and see where we go from there.

According to Senator Bayh's proposal at least, we would require that investigation be completed within 6 months of the act's passage.

Ms. MATHESON. We can probably defer our local police and probation departments from adapting this program until a full evaluation is completed.

Ms. JOLLY. Yes.

Ms. MATHESON. As Senator Bayh has acknowledged and we in the field know, community-based organizations have continually demonstrated the ability to assist in the Federal Government's juvenile delinquency prevention efforts.

We suggest that this be highlighted to a greater degree and specifically, that a set-aside of 75 percent of funds be mandated in the act to be distributed by the States to local, nonprofit community-based organziations.

You have heard about the increased competition in California for funds, due to impending cutbacks. Many other States and local jurisdictions are in the same situation. The truth is that at the local level and the State level, we are increasingly going to be in competition with police deparments and probation departments and their traditional services.

For prevention efforts, we need to have community-based programs strengthened through the JJDPA.

Ms. JOLLY. Yes.

Ms. MATHESON. In closing, I would like to restate that we are in full concurrence with the 5-year authorization and the funding level submitted by Senator Bayh.

I want to thank you for the opportunity to present the comments of the national network. I also wish to emphasize that our members can attest to the impact that the JJDP has had on the young people we work with on a daily basis.

We urge you to continue these efforts and we support the extension of this unique and vital youth legislation.

Thank you.

Ms. JOLLY. Thank you very much.

Ron Clement, executive director, Diogenes Youth Services, and also a member of the national network.

TESTIMONY OF RONALD W. CLEMENT

Mr. CLEMENT. Thank you.

I would like to mention, I am speaking from over 8 years experience in providing services to runaways and otherwise homeless youth. My experience is both as an agency director and as a counselor working directly with troubled youth and families.

I am here today in my capacity as chairperson of the network's public policy committee. I would like to concur with some amendments and propose others, specifically regarding the Runaway and Homeless Youth Act.

The position of the national network is that the Runaway and Homeless Youth Act should be reauthorized without major modification.

I think there has been adequate testimony, both yesterday and today, attesting to the fact that this legislation is working. We believe it should be allowed to continue to do so much as is.

There have been some changes in the field, even in the last 3 years. We believe the act should reflect these.

The most striking changes have to do with the increasingly serious nature of the problems that young people are bringing to us, and the changing nature of our services that we must deliver in order to effectively respond to their needs.

I need not go into detail as to the degree of these problems. Many speakers today have effectively outlined how troubled these young people are.

One of the most striking aspects of the dramatic increase in the number of homeless youth. Nationally, as many as 40 percent of the young people now being served by runaway centers can only be described as homeless.

These youth need longer term assistance. They need more specialized services. They need employment. They need longer term housing. They need transition to independent living.

At this time, in this country, runaway centers are the only service system moving to respond to the need of homeless youth.

We wholeheartedly applaud the change in the title of the act to recognize homeless youth as well.

I would like to point out that although runaway centers have become much more involved in serving these troubled young people, our primary mission remains to reconcile family differences and to return young people to their family homes.

Within my own agency in California, nearly 80 percent of the young people we serve return to their family homes.

In over 50 percent of all instances, the parents are actively participating in family counseling.

On a national basis, at least 40 percent of the young people served by runaway centers do not need to be sheltered but can receive counseling and other services on a drop in basis.

I think in this year when there is so much concern about the family and supporting the family, it is important to point out that runaway centers are doing an excellent job of supporting the family structure.

We would propose an amendment to the legislation which would change all references to runaway houses to runaway centers.

There have been many comments today pointing out how runaway centers have diversified services, how we are linking with social welfare, juvenile justice, and mental health systems.

As the problems of our young people become more diverse to our responses to these needs, we think it is only appropriate that the act state that we are runaway centers in fact.

I would like to briefly touch on some funding issues. We would support increasing the grant size to $150,000. It has been pointed out that runaway centers are very good at developing other sources of funding and scrounging to make sure that services are provided. But there are limits to even what we can do. If we want to provide effective services, a grant limit of $150,000 is certainly appropriate.

In keeping with that, we would also propose that the upper limit in the program budget be increased to $300,000. We think it is important to keep a limit, because that supports community based programing.

The very essence of the runaway center is that we are linked with and respond to the needs of our communities. An upper limit helps promote that.

The increase in the limit from $150,000 to $300,000 is in keeping with the nature of the programs as they exist in the field at this time.

We would also think that it is very important to immediately increase the authorization to $35 million. Although authorizations are not always directly linked to appropriations, we would hope that the committee would be receptive and by increasing the authorization demonstrate a genuine commitment to serving runaway and homeless youth on a national basis.

We are very supportive of moving toward the establishment of runaway centers throughout the Nation. We recognize that this can only be done with an increase in funding.

We are very wary of any major increases in the funding formula or approach at this time, without a major increase in the appropriations.

This is a delicately balanced system. Any major changes could simply create chaos and result in poor services for children.

We would like to recommend that part C of the act which authorizes the President to develop plans for transfer of the act either to the ACTION Agency or to OJJDP be deleted.

We believe that the Youth Development Bureau has done an excellent job of administering the act, and although somewhat belatedly, it appears that HEW and the administration are now supporting this legislation.

The fact is, the program works and we think we can keep it in HEW, at least for the next period of reauthorization.

Over the last 2 days there have been many comments about what good work we are doing in reducing the numbers of juvenile defenders. In particular, we have seen dramatic decreases in the numbers of status offenders.

Unfortunately, too often, when we remove status offenders from the juvenile justice system, we fail to develop the alternative programs, as Mr. Bayh pointed out, to address these young people's needs.

In the parts of the country where runaway centers exist, they are in fact the alternative. Runaway centers have proven that status offenders and other youth in crisis can be effectively helped in nonsecure settings.

In terms of deinstitutionalization of status offenders, we are the model. We stand ready to work with Senator Bayh and the committee in any way to move forward on the speedy and invigorating reauthorization for the Runaway and Homeless Youth Act.

We appreciate the opportunity to appear today.

Ms. Jolly. Thank you very much.

Mr. Clement. Thank you.

Ms. Jolly. Cynthia Myers.

TESTIMONY OF CYNTHIA MYERS

Ms. Myers. I am Cynthia Myers, executive director of the Metro-Help, Inc. National Runaway Switchboard, which is located in Chicago, Ill.

I want to thank the committee for the opportunity to be here today.

Recognizing that this is the end of 2 days worth of hearings, I would like you to know that I am going to provide you with some information that you haven't heard before.

The National Runaway Switchboard is the nationwide telecommunications program for runaways and their families. I would like to begin by sharing with you a few of the calls received by the National Runaway Switchboard in the past couple of months.

Amy, age 15, and I want you to note here that the names and locations have been altered to protect the confidentiality of the callers.

Amy, age 15, came to Phoenix to get away from an abusive home situation. Now, 6 months later, she was working the streets of Phoenix as a prostitute and regularly beaten by her pimp.

She wanted to leave her pimp, but she did not know what to do or where to go.

She called the National Runaway Switchboard which we refer to as NRS, and the NRS volunteer conferenced her with a local runaway center that had a special project to help young prostitutes.

The center was able to give her housing, counseling and other long-term services.

Fourteen-year-old Sharon had been repeatedly abused sexually by her father since she was 5. The local child welfare agency finally intervened and took Sharon out of the family home.

However, Sharon was placed in a locked detention facility that made her feel like a criminal rather than the victim that she was, and it was not appropriate to her needs.

When Sharon called the NRS, she was very depressed and contemplating suicide. Through the NRS, Sharon contacted a local runaway shelter with the youth advocacy component. One of the advocates was able to arrange Sharon's transfer from the detention facility to a more appropriate setting.

Dominic, age 14, left his upstate New York home, after his stepfather beat him continually and permanently damaged his hand.

After arriving in Philadelphia, he went to live with a man who had befriended him in a park near the bus station. Although the man was initially kind to him, he soon forced Dominic to prostitute himself with friends the man brought home, threatening to turn Dominic over to the police as a runaway if he refused to cooperate.

Afraid of returning home and having no marketable job skills, Dominic felt trapped in this life of degredation. The NRS was able to place a conference call to a local runaway center which agreed to help Dominic leave the apartment where he was staying and arrange permanent foster placement for him.

The National Runaway Switchboard acts as a confidential toll free, 24-hour, 7-day-a-week, information referral and crisis intervention telephone service for young people who have run away from home, been thrown out or are considering leaving home.

The National Runaway Switchboard's role is to link young people with the resources that provide service needed by the caller.

Since its inception, in 1974, the NRS has served over 486,000 teens and their families.

I want you to stop for a moment and think about this number—486,000 teens.

More recently in calendar year 1979, the NRS served 143,796 people.

Of this number, 77.3 percent were from runaways.

And 18.8 percent were from young people who had not left home; 3.9 percent were from throwaways. Throwaways, as has been mentioned before, are young people who have been forced out of their homes or who are otherwise homeless youth.

The National Runaway Switchboard maintains an up-to-date list of over 7,000 agencies throughout the country who serve young people. This listing includes many shelters, group homes, community mental health centers, counseling agencies, medical clinics, and any other agency that meets the needs of runaways on the road or in the home community.

More than a third of the callers to the National Runaway Switchboard makes some contact with their families.

In this type of call, a young person on the road, calls the NRS with a message that they want to be delivered to either their parent or guardian. Most messages take the form of something positive or neutral such as, "I'm OK. Don't worry. I'll be home soon."

Some families and runaways have delivered up to five messages back and forth to each other before they have agreed to meet.

The National Runaway Switchboard also maintains statistics on the calls received and the types of referrals made.

Our 1979 statistics released just this week, show some disturbing changes. The number of calls from young people who have been thrown out of their homes has increased tremendously.

During 1976, 1.8 percent of the total calls received were from throwaways.

By 1979, that percentage has jumped to 3.9 percent.

In child abuse, both physical and sexual, the increase is even more devastating. The National Runaway Switchboard is receiving nearly four times as many calls concerning child abuse as were received 3 years ago.

In 1976, one percent of the total calls taken by NRS were child abuse related.

While, in 1979, that figure jumped to 3.5 percent. While 3.5 percent may seem like a small percentage at first glance, it translates into approximately 5,033 teenagers just last year.

We know that certainly not all of the child abuse victims call. In fact, a small percentage of child abuse victims recognize the problem and ask for help.

On the brighter side, the NRS finds that young people spend less time away from home before they call for help. Three years ago, the average runaway spent a week on the road before making contact with the NRS.

Indications from 1979 data are that runaways call the NRS within 3 to 4 days after leaving. This clearly indicates that if runaways and young people who think they have to run away have another option, they will use it.

I mentioned earlier that the NRS keep a listing of agencies who serve runaways across the country. I wish I could tell you that there are enough programs available to serve all runaways who need and want assistance.

I wish I could even tell you there are programs enough to serve a majority of those teenagers. Unfortunately, there are many, many times the NRS calls a runaway program and they are full.

There have been tremendous strides made since 1974. There are communities who never thought of offering services for runaways who now have some of the best programs in the country.

However, there is much more to be done. There are major metropolitan areas in this country who have almost no available housing for runaways.

There are other areas where the nearest runaway program is 300 miles away.

It is for these reasons that the National Runaway Switchboard strongly encourages a higher ceiling for funding of the Runaway and Homeless Youth Act.

I recognize that these are not the most lucrative of economic times. However, historical and sociological research have indicated that during times of economic stress the incidence of family problems increases.

It is extremely important that the services available to youth and their families be increased.

The National Runaway Switchboard and the other youth development bureau funded runaway programs act most often as entry points of service for a family in trouble.

The runaway, as we know, is often the red flag on the family. By calling the NRS or contacting the runaway center, the runaway is able to obtain help for themselves, and in most cases, for the family before something more serious happens.

I recognize that there are a lot of problems facing the country today, and many social problems that need attention. However, runaway and family problems are universal. We know that running away knows no boundaries, no racial boundaries, no economic boundaries nor geographic boundaries.

Runaways and family problems are serious issues that need continued attention.

In conclusion, the National Runaway Switchboard strongly supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act.

The National Runaway Switchboard further urges the support of an increase in the funding ceiling for the Runaway Youth Act.

We also clearly support the telecommunications system.

I would like, in closing, to share with you just one more call from a young person who has called us.

Chris, a 15½-year-old high school sophomore was abandoned by her mother. She came home from school one day and found that her mother and her mother's boy friend had emptied the trailer they had all lived in and left town without a trace.

When Chris called the NRS, she had been wandering around town in shock for 3 or 4 days, with no place to go and a bad sore throat.

The Iowa town she was calling from did not have a runaway shelter. But the NRS was able to find a local chapter of the Salvation Army that agreed to find Chris lodging, medical care, to help her find relatives that could take her in.

The National Runaway Switchboard receives calls from people like Chris and Amy and Sharon and Dominic all day long, every day of the year. On their behalf, and more importantly, on behalf of the young people calling as we sit here, I thank you for your time and attention.

Ms. Jolly. Did you have another example? You said you had two.

Ms. Myers. I am finished.

Ms. JOLLY. Thanks very much.
Robbie Callaway.

TESTIMONY OF ROBBIE CALLAWAY

Mr. CALLAWAY. Mary. Liz. Thank you for having me here today. Thanks to those people in the audience for sticking it out to the end. Somebody please check and see if my mother is still here.

Ms. JOLLY. I think it is important to know that this is a reauthorization hearing on the Juvenile Justice and Delinquency Prevention Act. There are probably more people here at this time after being here since 9:30 in the morning than there were on hearings on the balanced budget and hearings on a Constitutional Convention Procedures Act. Juvenile Justice has a strong advocacy coalition. I really think you ought to give yourselves some pats on the back. It is grassroots organization like those represented here today who have made all the difference in our strength for the rights of juveniles.

Mr. CALLAWAY. I agree. [Applause.]

Mary, three-fourths of them are my cousins. [Laughter.]

I am going to be brief. I will give a little background as to why I am here.

I started out working in prevention when I coached some delinquents in softball and turned them into softball champions.

I worked with serious offenders in the bowels of society at the District of Columbia Children's Center, in Forest Haven where they house mentally ill, serious offenders in a secure, locked facility.

I have also worked at Boys and Girls Homes of Montgomery County, with serious offenders and delinquents. The Boys and Girls Homes are one of the nationally recognized organizations in the country. We have served kids from Senator Mathias' hometown. So, please make sure you take that back to him.

I also have been a member of the Maryland Juvenile Justice Advisory Group since 1975 when it first started. We were very rocky at that time. We have done a lot since then. It is a little rocky right now as we wait for the Governor to make new appointments, but we are doing all right for youth in Maryland.

I am also a staff member of the National Youth Work Alliance. In this capacity I have been able to travel across the country and hear from youth workers across the country as to what they felt the needs are in the field of youth work.

I think what I want to do is be brief. I have a lot more I could say but I want to keep it short.

The first thing I would like to do is talk about this bill, S. 2441. I think the best thing about this bill, Mary, and I know you have done a lot of work on it, is that you didn't attempt to weaken this bill, the Juvenile Justice Act of 1974.

I think you should be complimented and the rest of the people who worked with you on it should also be complimented.

I think you should be complimented for maintaining the current separation language. I don't think any State should be granted an exemption.

I think you should be complimented for maintaining the current monitoring language. I think you should also be complimented for maintaining the current respectable national and State advisory groups.

I don't think you, I don't think the Senate, I don't think anyone on this committee should back off from any of these issues.

Ms. JOLLY. I will make sure the "you," is Senator Bayh he is referring to as opposed to me.

Mr. CALLAWAY. You still have the name plate up there and it says, "Senator Bayh."

The original Juvenile Justice Act had a lot of impact at the grassroots level. I think your bill—the Senator's bill has maintained it.

There are, however, a couple of issues in your bill that I must address, because I disagree with them wholeheartedly. One is the earmarking of the maintenance of effort money for the serious offender or the violent offender.

I think it is a serious mistake. All the studies that I have seen and all the work that I have done in the field tell me that there are just not that many violent juvenile offenders.

Ms. JOLLY. What percentage do you think there is? If we were to choose wanting to link up some of the maintenance of effort, crime control moneys for violent offenders and/or serious offenders, what figure would you say would be more reasonable?

Mr. CALLAWAY. As a matter of fact, one of the things I am going to talk about in my testimony is a possible compromise to that provision. I would say that the actual violent offender population is less than 1 percent of the delinquent population in this country.

Let me go on.

Ms. JOLLY. Of course.

Mr. CALLAWAY. I have a compromise I would like to add to that provision. There is another problem with earmarking it for the violent offender. I have operated a lot of community-based programs and I have had a lot of community-based programs established, both with OJJ funds, LEAA funds and Runaway Youth Act funds.

There is a difficulty when you go into a community and tell them that you would like to establish a program, because, naturally, they are leery. One of the major questions they ask: "Who are you going to serve in this program?"

If I, as a program operator, were to have to tell them that my funding source will only allow me to serve violent offenders, these five classification of offenders, I doubt very seriously that I could open a community-based program that can serve these kids.

It is my firm belief that the only way we are going to serve these kids and keep them out of prisons and keep them out of institutions and keep them out of locked, inhumane facilities, is if we serve them in the community in small community-based facilities.

So, I think, programmatically, beyond just the community acceptance, it is better to serve these offenders, these type offenders or whatever type in a mixed population, in the community.

I think the definition of this offender needs to be broadened so that the money can be better spent.

As written in S. 2441, the earmarking of these funds is to establish programs aimed to curb violent crimes committed by juveniles, particularly in areas of: One, identification; two, apprehension; three, speedy adjudication; four, sentencing; and five, rehabilitation.

Given my experience, the message that will be given to the State funding conduits, the State planning agencies, is that these funds are to be used for: One, identification—more detectives; two, apprehension—more police; three, speedy adjudication—more prosecutors; four, sentencing—more judicial support.

When they get around to rehabilitation, No. 5 on that list, they are going to say, "Well, we can't establish community programs, so I guess we will have to put these offenders into the more traditional prison system."

Mary, Liz, Senators who aren't here, you know that doesn't work. It does not work. It will never work.

I can offer a compromise so as to not just come in and attack your provision. I can offer something that could possibly work.

Ms. Jolly. What do you think of the present law or the present provision that we are amending that says that in the Justice System Improvement Act, which was changed on December 27, when the President signed it last year, that 19.5 percent of the overall total of OJARS appropriation would go to programs focusing on juvenile delinquents as opposed to status and nonoffenders?

Mr. Callaway. I myself would have no problems with that.

This is the compromise I can offer. If, for some reason this provision is to be accepted or if it is to come close to acceptance, that we: one, broaden the definition of offender, not strictly limiting the programs for the violent offender; and two, earmark maybe up to half of the maintenance of effort money for the serious offender.

I am opposed to earmarking the money. Let me put that up front. But if we are going to earmark half of it to be used for programs with this broader definition of offender, and then, three, phase in this program over 2 years so that no program currently receiving maintenance-of-effort money will have to suffer an early extinction.

I have two additional areas of disagreement with this bill. I think that it is moving in the right direction when it talks about giving separate and new authority to the Administrator of the Office of Juvenile Justice. I fear, though, that this does not go far enough.

I would like to see the fourth box that we have all talked about. I realize, however, that there are sound arguments for not going the fourth box route, but on a scale, the arguments for it far outweigh the arguments against it.

I think both the Senate and the House basically have good ideas on authority for OJJDP. The House does establish a fourth box.

I feel the way we can accomplish the best desired result is to combine the two bills and give the Administrator all of the authority that you give in the Senate bill and also establish a fourth box. So that if LEAA, for some reason, dies, OJJ can live and OJJ can stand and be evaluated on its own.

Ms. Jolly. The Juvenile Justice Act will continue since it is a separate statute and has a separate authorization as opposed to the OJARS, LEAA, NIJ, and BJS. We are a free standing statute, so if, by chance, the President recommends on March 31 no funding for OJARS and LEAA and if, by chance, the Congress approves it. I would estimate that is a far-off chance, but if they would, the Juvenile Justice Office would still be reauthorized and the Juvenile Justice Act would continue to exist.

Mr. CALLAWAY. But Mary, if we are cut back and we lose all the maintenance-of-effort money and we lose all the additional money, we may——

Ms. JOLLY. What money are you referring to?

Mr. CALLAWAY. In the budget cuts, if we have to suffer because of LEAA's past problem.

Ms. JOLLY. What is the other area?

Mr. CALLAWAY. The maintenance money and the money we may lose in cuts to the Juvenile Justice Act. If we, for some reason, have to be evaluated with LEAA as the House Budget Committee recently did, we are going to lose. If we not standing alone in the fourth box, we will lose funds.

We may be still alive as the Juvenile Justice and the Juvenile Justice Delinquency Prevention Act, but without the proper funds, we will be a hopeless cripple.

Ms. JOLLY. I am sure that Senator Bayh, who as you know, also sits on the Appropriations Committee, is going to see that he does everything that he can to make sure that we have an adequate amount of funding for the Juvenile Justice and Runaway Youth Act in fiscal year 1981. And if something happens to LEAA, I am sure that the Senator will have some alternative proposals in mind to provide funds.

Mr. CALLAWAY. I am also sure the Senator has alternate proposals. I want to make sure that Senator Mathias does also.

Ms. JOLLY. Right. We want to make sure that all Senators on the Judiciary Committee at least are aware of that.

Mr. CALLAWAY. I figure that between Senator Mathias on the Republican side and Senator Bayh, on the Democratic side, we can—we have sufficient force behind us.

We just touched on the last thing I wanted to address, the authorization and appropriation. I think the authorization levels in this bill need to be raised. As Ron mentioned, we never received the funds that are authorized. We receive the funds that are appropriated. If LEAA was to die or is continued to be cut back, we need the maintenance-of-effort money to be transferred to the Office of Juvenile Justice.

I think the cleanest way to do that is to raise the authorization levels here and then when it comes time approve an appropriation of $200 million for the Office of Juvenile Justice.

I will not continue to go on.

Ms. JOLLY. Your entire statement will be put in the record.

Mr. CALLAWAY. Thanks a lot. I appreciate it.

Ms. JOLLY. Thank you very much.

We now have Becky Davis, director, Southern Area Youth Services. When Becky completes her testimony we will turn to Valerie who is accompanying her.

TESTIMONY OF BECKY DAVIS

Ms. DAVIS. I am grateful to Senator Mathias for the opportunity to address the committee.

My name is Becky Davis. I am director of SAYS, Southern Area Youth Services, located in Prince Georges County, Md.

I brought with me today three youth clients from my program. Valerie is one of those three clients. She does not have a prepared statement. She would like to make a brief statement and to answer any questions you might have.

As a representative of one of the Runaway Youth Act funded programs, I welcome this chance to tell you something about our program and to speak in support of reauthorization.

I particularly am supportive of the provision of reauthorizing the act for 5 years. Programs within the Runaway Youth Act system have been established as vital service providers within their communities. The length of this reauthorization gives us a solid base from which to continue to deliver services and from which to further develop local funding sources.

I am also strongly supportive of the provision, section 211, providing possible additional funds for title III programs from unobligated title II funds.

The change in the title of the act from the Runaway Youth Act to Runaway and Homeless Youth Act is a welcome one. It recognizes the changes in fact and image of the population of youth that we serve.

We no longer see young people who have run great distances in search of adventure or freedom. These young people who enter our program have often left homes which are very near to SAYS, sometimes less than a mile away. While some are still runaways, we see a lot of young people who are thrown out by their parents. Sometimes they are thrown out in the middle of the night.

These are youth in crisis. Youth who are reacting to severe problems in their families, to alcoholism, physical and sexual abuse and divided families torn by marital stress and by economic pressures.

With problems like these we can no longer just be a shelter for runaways. We have had to grow to meet the changing need. We have become a comprehensive service center for youth and families in crisis, a link between the disaster and the cure.

We are often the only open door in the middle of the night, the only place to turn where the service is provided before the forms are filled out.

The youth and families in the communities know us and trust us to be accessible and to be flexible to meet their emergency needs right now, not in 2 weeks when there is a court date free or an appointment available.

This is prevention. Being there with an immediate alternative to the street. I think that the most important thing I can get across today, is the reality of the people that we deal with.

The 14-year-old girl who ran from her abusive father in the middle of the night, the 15-year-old boy who was picked up by the police for hitchhiking, a girl who arrived at our doorstep 9 months pregnant with no place to go and no medical services.

The neighbor who knows that the kids next door are being beaten, the school counselor who notices the child who has not been attending school and can't find out why, and the brother and sister who have been thrown out of their home and don't know where to go.

There are many other cases that come to mind. The important thing to know is that a large percentage of these cases are successfully resolved by our program and that we are meeting the needs of youth away from home.

We are a vital and successful program and we need and urge your continuing support.

Ms. Jolly. Thank you very much.

Ms. Davis. This is Valerie.

Ms. Jolly. Valerie, how old are you?

Valerie. I am 16.

Ms. Jolly. Do you attend school?

Valerie. Yes. I go to Parkdale Junior High.

Ms. Jolly. What grade are you in?

Valerie. Eleventh.

Ms. Jolly. How did you get to work with Becky Davis?

Valerie. I had ran away from home. I got tired of being on the streets, so I turned myself in to the police.

Ms. Jolly. How old were you when you first ran away?

Valerie. Fourteen.

Ms. Jolly. Go ahead.

Valerie. The police called another service but they couldn't take me right then.

Ms. Jolly. You didn't want to go back home at the time when the police picked you up?

Valerie. No. They took me to SAYS and I stayed there. And from there I went to a foster home and now I am back home.

Ms. Jolly. Now you are back home?

Valerie. Yes.

Ms. Jolly. How is it working out now? Is it a little better?

Valerie. A little better, but things are not working right.

Ms. Jolly. I hope you will be able to work out some of your frustrations with Becky's help.

Thank you very much. We really appreciate your participation. I believe if just one person is helped by everything we have said here today, that one is well worth all of our joint efforts.

Thank you very much.

The record will remain open for 2 weeks. If you have any other materials that you want to have placed in the record, send a copy to Senator Bayh's office.

The American Legion has sent Senator Bayh a letter this morning, noting their longstanding concern over juvenile crime across the country. That was the basis of their support in 1974, for the act. The letter will be placed in the record. It is from the director of the National Legislative Commission, Mylio Kraja.

Also Congressman Mitchell, a Democrat from the Seventh District of Maryland, has submitted a statement for the record which will be included.

Ms. Jolly. Gov. James Hunt, representing the National Governors' Association, has provided a statement for inclusion in the record.

We will put in the record also, a copy of Gov. Jim Hunt's news conference release. I think it might be particularly appropriate to read a portion of it at this time.

It is dated Wednesday, March 26.

> I want to announce today my opposition to the House Budget Committee's proposal to totally eliminate funding for LEAA.
>
> I have said repeatedly in recent weeks that I support President Carter's call for a balanced Federal budget for fiscal 1981, and I continue to support that goal.
>
> I don't believe that there is a single Federal program, including LEAA, that should be immune to reduction as we try to balance the budget. But the Budget

Committee's recommendation would totally eliminate the only Federal money that North Carolina and other States receive for fighting crime.

In recent years, we have seen LEAA's emphasis shift toward programs that prevent and reduce crime. I am talking about law enforcement training and education, speedy trials, improved court administration, community programs for juveniles, alternative schools, restitution, and career criminal prosecutions.

These are the kinds of investments that can keep us from having to spend far more money in the future on such things as prison construction, the hiring of more LEAA officers and purchase of equipment.

Another important point to consider is that Congress has already made drastic reductions in the LEAA budget from $900 million in fiscal 1975 to something like $400 million in fiscal year 1980.

I have already talked by telephone with James McIntyre, Director of the Office of Management and Budget about this matter. I told him yesterday that I understood that some cuts in LEAA may be required if a balanced budget is to be achieved.

I also expressed to him my hope that the administration would support some continued funding for LEAA, particularly in such areas as juvenile crime and crime prevention.

During the next few days, the Governor will contact other administration officials and leaders of Congress and make his views known to them. I believe we can have a balanced budget next year without completely dismantling worthwhile programs such as those for juveniles.

As you know, the Governor is the Chair of the Committee of Governors that impacts a lot on what we are working for. It is very important to have someone who was willing to call up the Director of OMB on our behalf, on children's behalf and on young people's behalf for our juvenile justice program.

So, there is hope. Thank you. We are going to adjourn the hearing today, subject to the call of the Chair.

Since this is a full committee hearing, the next process will then be convening a judiciary committee markup on the bill which should take place the latter part of April.

Thank you very much.

[Whereupon, at 1:50 p.m., the hearing was adjourned, subject to the call of the Chair.]

[The prepared statements of Ms. Callaway, Ms. Matheson, with attachments, Ms. Myers, and Mr. Clement follows:]

PREPARED STATEMENT OF ROBBIE CALLAWAY

Mr. Chairman, and distinguished members of this committee, my name is Robbie Callaway and I have been asked to testify before you on a subject that is very dear to my heart—Juvenile Justice, and the Prevention of Delinquency.

My experience in this area dates back to 1969 when, nothing more than a kid myself, I took a group of neighborhood delinquents and turned them into the Prince George's County Softball champions three years straight. Early on I learned about delinquency prevention and how not giving up on a kid can help turn him around.

My experience then turned to work in an institution as I coordinated the University of Maryland's volunteer/intern program for Forest Haven of the D.C. Children's Center. This work in a partially secure institution took me into the extreme bowels of society as I observed daily what life in an institution can do to hopeless souls. Many of these youngsters had the misfortune of being both mentally ill and caught up in the justice system.

Upon graduation from college I began work as a live in counselor in a LEAA funded shelter home in Montgomery County. Eventually I became Director of Shelter Care for Boys' and Girls' Homes of Montgomery County, Inc. which is a nationally recognized organization with a number of programs that began with LEAA, OJJDP and Runaway Youth Act funds.

In my many youth worker roles I have worked directly with a great number of youngsters and their families.

I have also had the pleasure of serving on the Maryland Juvenile Justice Advisory Group from it's rocky inception in 1975 to its position of respectability today. I am currently the Chairperson of the SAG Grant Review Sub-Committee and have served as the Chairperson of the Bylaws Sub-Committee. Further Sub-Committee work includes the Standards and Law Legislation Sub-Committees.

I am currently employed as the Director of the Advocacy Unit of the National Youth Work Alliance, one of the nation's largest membership organizations for youth serving agencies.

My testimony today reflects this varied youth service background as I attempt to address key issues in the Federal Juvenile Justice Act that will ultimately have the most impact on youth and their families on the local level.

Congress and particularly many of the members of this Committee deserve a special thanks for past efforts which created the Juvenile Justice and Delinquency Prevention Act. Thanks to you many youngsters have not had to experience the loneliness and deprivation associated with secure confinement and instead have experienced community based programs which have worked to re-unite these youngsters with their families.

In this vein of strong support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act I would like to address three areas:

I. Issues I support in S. 2441
II. Issues I do not support in S. 2441
III. Issues not addressed in S. 2441

I. ISSUES SUPPORTED IN S. 2441

The main strength of S. 2441 is that it does not attempt any dramatic overhaul of the extremely successful Juvenile Justice and Delinquency Prevention Act. Conspicuously absent from this bill are such regressive moves as:

A. Any attempts to weaken the compliance mandates of the act.

B. Any attempt to weaken the mandate of separation of juveniles from adults. No exemptions should be granted for any state.

C. Any attempt to lessen the need for on-going monitoring of institutions and compliance.

D. Any attempt to limit the State Advisory Group and National Advisory Committee. In Secs. 207 and 208, S. 241 also admirably transfers review power for Special Emphasis programs from the State Planning Agencies to the State Advisory Groups. From my service as grant review chairperson for the Maryland State Advisory Group I can unequivocably state that the State Advisory Groups are much more attuned to the programmatic needs of juveniles than are the State Planning Agencies.

To further strengthen the State Advisory Groups it is my feeling that the Senate should oppose both the House language decreasing the number of SAG members to 15, and the other changes in SAG composition. The Senate should, however, support the House language which substitutes shall for may.

II. ISSUES NOT SUPPORTED IN S. 2441

As I have the utmost respect for the staff involved in the drafting of this bill it is somewhat difficult to criticize it, but there are three areas, besides the name change, that deserve close scrutiny.

A. Sec. 211(b) of S. 2441 may be a serious mistake. Earmarking the entire maintenance of effort funding "for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation."

First, all major studies and my direct work in the field tell me that the number of violent juvenile offenders is simply not that large a number. I agree with Senator Bayh's statement in the March 19, Congressional Record that "the problem of the violent offender should be given an increased focus" and I also agree when he goes on to say that "these relatively few individuals cause a disproportionate amount of suffering and fear among the adult population."

An increased focus on these relatively few individuals is one thing but earmarking the entire maintenance of effort is simply too drastic a step which most likely would not even produce the desired result.

Having operated community based programs that served a wide range of juveniles, I can attest to the difficulty in establishing programs in the community. I have observed on numerous occasions in Maryland and across the country the return of OJJDP funds simply because the local community would not allow the program.

Why do communities refuse these programs? The main question I always heard when trying to open a new community-based program was, "what type of youngster will you be serving?' Had I been forced to say that my funding source will only allow me to serve the violent juvenile offender I dare say that I would have never started a new program. My response was much more palatable to the community when I discussed the varied population that would be served in the program.

Beyond simple community acceptance I strongly feel that from a programmatic standpoint that the community and most of these violent juvenile offenders will be better served if the programs have flexibility in their intake. The definition of the offender eligible for these maintenance of effort programs must be broadened so that not only will the funds be better spent, the community will be better served.

As written this earmarking of funds is to establish programs aimed to curb violent crimes committed by juveniles particularly in the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.

Given my experience, the message that will be given to the state funding conduits, the State Planning Agencies, is that these funds are to be used for:

Identification—more detectives;
Apprehension—more police;
Speedy adjudication—more prosecutors;
Sentencing—more judicial support; and
When they get around to rehabilitation—more traditional prison rehabilitation because nothing else is available for these offenders.

I need not expound on the dismal failure of our prison system in the rehabilitation of offenders. This committee is well aware of the problems of placing juveniles and adults in the prison system and watching them utilize the revolving door.

So, if we really want to address the needs of the offenders and the community we must look at the practical application of earmarking these funds. While I am primarily opposed to any earmarking I think that the following compromise can best address the needs of the violent offender, the serious offender, the community, and those programs currently receiving maintenance of effort funds.

The compromise contains three parts:

1. Broaden the definition of offender, not strictly limiting the programs to the limited category of the violent offender. Possibly a compromise between the House and Senate language.

2. Earmark one-half of the maintenance of effort funds to be utilized for programs for this broader definition of offender.

3. Phase in this program over the next two years so that programs currently receiving maintenance of effort funds will not be forced into an early extinction.

The two additional areas of disagreement with S. 2441 are:

B. S. 2441 definitely is moving in the right direction when it delegates all final authority to the administrator of OJJDP. The problem is that it does not go far enough and create OJJDP as an autonomous 4th box under the Office of Justice Assistance, Research and Statistics (OJARS).

I realize that there are sound strategical and practical reasons for maintaining OJJDP under the Law Enforcemnt Assistance Administration (LEAA). My concern though is that given the shaky political future of LEAA, OJJDP needs to stand alone and be evaluated on it's own merits. Since both the House and the Senate have made good strong proposals to strengthen OJJDP why don't we combine both ideas.

The best possible situation for OJJDP would be to grant all of the proposed authority of S. 2441 to the administrator and also create a separate autonomous fourth box. This proposal would receive broad based support from youth advocates.

C. S. 2241 also moves in the right direction in increasing the authorization level to $200 million for fiscal year's 1981–83 and to $225 million for fiscal year's 1984 and 1985. My concern here also centers around a budget conscious congress. As LEAA continues to receive funding cuts from Congress, Juvenile Justice suffers from a loss of maintenance of effort funds.

In 1978 approximately $218 million were spent on Juvenile Justice through OJJDP ($100 million) and the LEAA maintenance of effort funds ($118 million).

If, as proposed by the President, LEAA's budget for fiscal year 1981 is cut in half the fiscal year 1981 maintenance of effort funds will also be cut in half to approximately $47 million. If, OJJDP were to then receive the $100 million proposed by the President in fiscal year 1981, Federal Juvenile Justice efforts will spend $147 million. This represents an approximate $71 million decline from fiscal year 1978 in actual dollars spent from the federal level in juvenile justice. If you add inflation on to this figure the purchasing power of Juvenile Justice funds will have approximately been cut in half since fiscal year 1978.

My recommendation is that this committee raise the authorization level for the JJDPA to $275 million for fiscal year's 1981 and 1982 and to $325 million for fiscal year's 1983–85. Given that Congress will not appropriate to the full authorization level I urge this committee to then seek an appropriation of $200 million for the JJDPA. This increase in authorization and appropriation would also reflect a transfer of the maintenance of effort funds from the LEAA to the OJJDP.

If LEAA is abolished this year it is imperative that this committee save OJJDP and an adequate appropriation that reflects the transfer of the maintenance of effort funds.

III. ISSUE NOT ADDRESSED IN S. 2441

Finally there is one area not addressed in S2441 that deserves consideration by this committee. The issue is the removal of children from adult jails.

An alarming number of children under 18 are being held today, right now, in adult jails. Many have committed no crime and the majority of those that have are there for property offenses.

Charles Renfrew, Deputy Attorney General, in testimony before the House Subcommittee on Human Resources and before this Committee stated that conservative estimates are that [illegible]00,000 juveniles are admitted to adult jails and lock-ups each year.

I wholeheartedly agree with Judge Renfrew when he asks Congress to "absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trail are confined."

I concur with his recommendation that states be granted five years to remove all juveniles from adult jails and lock-ups. This recommendation, coupled with incentives to the states could significantly alter the miscarriage of justice that happens every time a youngster is inappropriately placed in an adult jail.

I thank you Mr. Chairman and distinguished members of this committee for hearing my testimony and considering my suggestions.

PREPARED STATEMENT OF SUE MATHESON

Mr. Chairman, on behalf of the National Network of Runaway and Youth Services, I want to thank you for the opportunity to provide you with oral and written testimony on the matter of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. As Chairperson of the National Network, I am representing our member organizations of youth service agencies and coalitions which are providing services to youths under this Act in 40 states. Our membership, which founded the first runaway programs nationally, have increased their service delivery capability during the past 13 years and currently provide a broad range of delinquency prevention and treatment programs.

Additionally, I speak from my personal experience of 12 years in developing multi-service delivery systems for youth and their families and as Executive Director for the past nine years of Xanthos, a community-based agency providing services to children, youth and families, ranging from early childhood development, youth and family counseling to youth and adult employment programs. I cannot stress enough the importance of the role that the Juvenile Justice and Delinquency Prevention Act has had in the establishment of delinquency prevention programs at a local, state and national level.

I have personally witnessed the impact of several Special Emphasis Initiatives, such as the Deinstitutionalization of Status Offenders and the Children in Custody Initiatives. The current work being done by the Assessment Center Programs of the National Institute of Juvenile Justice and Delinquency Prevention can provide those of us working daily in the field with the basic knowledge we need to design and implement new programs which build on our current level of prevention and treatment services. The National Network has actively supported Senator Birch Bayh in his efforts to establish this national priority and, as Chair of the Board, I have a clear mandate from our members to continue these efforts. We collectively support the passage of S. 2441 and offer these specific comments, which we believe will lead to the strengthening of the bill, for your consideration.

TITLE I—VIOLENT JUVENILE CRIME CONTROL ACT OF 1980

The Juvenile Justice and Delinquency Prevention Act has been the major federal initiative fostering the development of "prevention programs" to curb the rate of juvenile delinquency in the country. The National Network is gravely concerned about the renaming of the Act to the Violent Juvenile Crime Control Act of 1980. This change in name dilutes the fine work accomplished by the juvenile justice community in their efforts to grasp the complicated issue of juvenile delinquency prevention. Law enforcement agencies, the courts, public institutions, and private non-profit youth services have developed strong bonds which have served to enhance local community efforts to address the issue of juvenile delinquency prevention.

Since 1974, the spirit of this Act, as reflected by Congress, seemed to espouse principles of prevention. A primary principle has been to decrease the amount of negative labeling in providing services to youth. The renaming of the Act specifying violent juveniles reflects a change in attitude which negates much of the intent of the Act since its conception. The change in name would obviously affect the types of projects funded at the state level. To rename the Act will also prompt a different direction for spending at the local level. We agree there must be specific attention given to the violent juvenile offender; however, renaming the major piece of juvenile justice and delinquency prevention legislation, which provides direction to the local communities and states, seems to be a total change in emphasis. If the intent of S. 2441 is to initiate services for the violent offender, while maintaining the initial commitment to juvenile delinquency prevention, then we suggest you do so by creating a specific new title within the Juvenile Justice and Delinquency Prevention Act. The current efforts developed over the past six years must be preserved. We believe that the title of S. 2441 would contradict the intent of Congress and the intent of some states already participating in the Act. We strongly suggest that a new title be developed and the necessary resources allocated to deal with the violent offender issue rather than dilute the Juvenile Justice and Delinquency Prevention Act and impair the current development of strong juvenile delinquency prevention programming at local and state levels.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A. SECTION 201. ESTABLISHMENT OF OFFICE

We believe that the recent action by the House Budget Committee eliminating funding for LEAA warrants attention. In light of any concurrence by the Senate, we suggest that the autonomy of the Office of Juvenile Justice and Delinquency Prevention is crucial. We are also deeply concerned about those monies directly related to the maintenance of effort provision that might be affected.

For example, maintenance of effort funds have been used by states largely to support the deinstitutionalization of status offenders and adult/youth offender separation requirements of the Juvenile Justice Act. A substantial reduction or elimination of these funds would represent a lethal blow to the implementation progress of the Act that so far has been made. If Federal funding to the states for juvenile justice is reduced to just the formula grant allocations from the Office of Juvenile Justice and Delinquency Prevention, it is doubtful that very many states will continue to participate.

Additionally, if Law Enforcement Assistance Administration (LEAA) is eliminated during this Congressional session, we recommend that Congress salvage the $80 million maintenance of effort monies and provide these funds to the Office of Juvenile Justice and Delinquency Prevention. This action would be in line with the strengthening of the Act that both the House and Senate seem to feel is necessary. We believe that the Office of Juvenile Justice and Delinquency Prevention will be enhanced if given the signatory authority needed by the ad-

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ministrator, and that it should be treated as a line item in the federal budget, as opposed to becoming engulfed within LEAA.

It is most important that juvenile justice and delinquency prevention efforts not get lost in the shuffle to save a federal agency already wavering within the federal structure. The concept to create a fourth box, or established the Office of Juvenile Justice and Delinquency Prevention as an independent agency, has much merit. Such specialization in the area of the juvenile justice is sorely needed within the administration, and within Congress. Your serious consideration of our position on these issues would greatly enhance services to youth and bolster the further development of viable programs in the area of juvenile delinquency prevention.

Section 201(g)

It is our experience that too often pat solutions to complicated juvenile delinquency prevention efforts are adopted due to mass media exposure. In the past, we have seen programs developed based solely on the impact of current popularity and publicity, which later have been proven to have little value to the youths we are serving. In this respect, we fully support the provision for a detailed evaluation of the Rahway Juvenile Awareness Project. It may well be that this so-called scared-straight approach has value beyond its immediate effect, but we believe that any efforts of replication must be based upon a thorough evaluation.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

The non-profit voluntary sector of youth services have been playing a major role in the provision of prevention services to juveniles. These agencies are community-based organizations in their purest sense. We know that community-based organizations have continually demonstrated the ability to assist in the federal government's juvenile delinquency prevention efforts. It is now time for Congress to recognize the services provided by community-based organizations through the strengthening of current language within the Juvenile Justice and Delinquency Prevention Act in order to reflect these agencies' valuable contribution to the prevention of juvenile delinquency.

We suggest this be accomplished by setting aside a specific 75 per centum of funds to be distributed by states to local non-profit community-based organizations. It is specifically these programs at the state and local level that have consistently strived for juvenile delinquency prevention services in the most cost effective manner. An emphasis on the continuation of the vital services provided by community-based organizations is imperative for the Juvenile Justice and Delinquency Prevention Act to meet its stated goals and objectives.

PART B—SUB-PART II

Section 225—Consideration for Approval Application

We totally support the move to further identify the role of the State Advisory Groups by clearly delineating their position in relation to the review of applications, receipt of regular reports, and request for their review and comment. Several of our members have been appointed to State Advisory Groups and have articulated their frustration with the unclarity of their position in relation to their State Planning Agencies. We believe that these specific amendments will contribute to the establishment of the State Advisory Groups within the original intent of this legislation.

PART D—ADMINISTRATIVE PROVISIONS

Section 261(a)

We are in full concurrance with the extension of the authorization for the Juvenile Justice and Delinquency Prevention Act for five years until 1985. The five year authorization of $200,000,000 for the first three years and $223,000,000 annually for the last two years we believe to be minimal levels for juvenile delinquency prevention services, considering the proposed shift of all Maintenance of Effort funds to curb violent crimes committed by juveniles.

We again must stress the importance of "prevention services," and the need for additional resources. The proposed authorization demonstrates the commitment of Congress to continue juvenile delinquency prevention services and to carry out the initial purposes of the Act.

TITLE III—RUNAWAY YOUTH ACT

PART C—REORGANIZATION, SECTION 331

We are disturbed that this Section has not been deleted in S2441. In 1977, there was some question of the ability of the Office of Youth Development to continue the administration of the Runway Youth Act. The National Network took a strong position that the Department of Health, Education and Welfare should continue to administer Title III. In 1980, we are unaware of any questioning of the propriety of Title III remaining within Health and Human Services, and therefore, reiterate our position and request that Part C—Reorganization, Section 331 be deleted from your bill. Our additional comments on Title III are being submitted under a separate statement.

In closing, I again want to thank you for the opportunity to present the comments of the National Network of Runaway and Youth Services. We are deeply appreciative of the commitment of Senator Birch Bayh and his continual efforts to improve the quality of juvenile justice. Our members can attest to the impact the Juvenile Justice and Delinquency Prevention Act has had on the young people we work with on a daily basis. We urge you to continue these efforts and support the extension of this unique and vital youth legislation.

PREPARED STATEMENT OF CYNTHIA MYERS

I am Cynthia Myers, Executive Director of the Metro-Help/National Runaway Switchboard. I am also associated with the Chicago Alliance for Collaborative Effort Juvenile Justice Task Force, Chicago Youth Network Council, and the National Youth Work Alliance. More importantly, I represent the 400,000 young people serviced by the National Runaway Switchboard since it started.

Mr. Chairman and members of the Subcommittee, I am pleased to appear here today.

Although the National Runaway Switchboard's activities involve various portions of the Juvenile Justice Act, for the purpose of this hearing I'd like to focus my remarks to Title III, The Runaway Youth Act.

The National Runaway Switchboard is the nationwide telecommunications program for runaways and their families. I'd like to begin by sharing with you a few of the calls received by the National Runaway Switchboard in the past couple of months:

•Chris, a 15½-year-old high school sophmore, was abandoned by her mother. She came home from school one day and found that her mother and her mother's boyfriend had emptied out the trailer they had all lived in and left town without a trace. When Chris called the NRS she had been wandering around town in shock for three or four days with no place to go and a bad sore throat. The Iowa town she was calling from did not have a runaway shelter, but the NRS was able to find a local chapter of the Salvation Army that agreed to find Chris lodging, medical care and help her find relatives that could take her in.

•Amy, age 15, came to Phoenix to get away from an abusive home situation. Now, six months later, she was working the streets of Phoenix as a prostitute and regularly beaten by her pimp. She wanted to leave her pimp, but she did not know what to do or where to go. She called the NRS and the NRS volunteer conferenced her with a local runaway center that had a special project to help young prostitutes. The center was able to give her housing, counseling and other long-term services.

•Fourteen years old Sharon had been repeatedly abused sexually by her father since she was five. The local child welfare agency finally intervened and took Sharon out of the family home. However, Sharon was placed in a locked detention facility that made her feel like a criminal, rather than a victim and was not appropriate to her needs. When Sharon called the NRS she was very depressed and contemplating suicide. Through the NRS, Sharon contacted a local runaway shelter with a youth advocacy component. One of the advocates was able to arrange Sharon's transfer from the detention facility to a more appropriate setting.

•Martha B. was the mother of a 15-year-old female runaway. Arriving home from work, Martha received a message from a neighbor that a youth officer from

Nebraska had phoned to say that Martha's daughter had been picked up as a runaway and was being held. The officer was willing to arrange transportation home but needed to hear from the mother. Martha B. called the NRS because she had no home phone and could not afford to make the necessary calls to Nebraska (another state) to arrange the transfer of her daughter. The NRS put through several calls for Martha. Her daughter was able to return home the next day.

*Ray was a fifteen-year-old heroin addict when he ran away from home. He left because he needed to make money to support his habit and he didn't want his parents to know of his addiction. He was presently living with six other youthful addicts in an apartment near a large airport. He and his roommates (both male and female) supported themselves through prostitution and dealing drugs. Ray did not want to be an addict, and he called the NRS to talk about it. He said he most feared the violence in his present environment and that he might die of an overdose or be killed by an angry customer. Through the NRS, Ray was able to contact his parents (who were willing to help him) and make arrangement to participate in a drug abuse program in his home city.

*Dominick, age 14, left his upstate N.Y. home after his stepfather beat him continually and permanently damaged his hand. After arriving in Philadelphia, he went to live with a man who had befriended him in a park near the bus station. Although the man was initially kind to him, he soon forced Dominick to prostitute himself with "friends" the man brought home, threatening to turn Dominick over to the police as a runaway if he refused to cooperate. Afraid of returning home and having no marketable job skills, Dominick felt trapped in this life of degradation. The NRS was able to place a conference call to a local runaway center which agreed to help Dominick leave the apartment where he was staying and arrange permanent foster placement for him.

The National Runaway Switchboard acts as a confidential, toll-free, twenty-four hour, seven days a week information, referral and crisis intervention telephone service for young people who have run away from home, been thrown out or are considering leaving home. Metro-Help, Inc., a Chicago metropolitan telephone program since 1971 started the NRS in August of 1974 through the assistance of an Office of Youth Development Research and Demonstration grant. Since that time the NRS has been funded through the Runaway Youth Act. More recently, in January 1979, funding for the Illinois portion of the NRS was assumed by State of Illinois Commission on Delinquency Prevention Title XX funds.

The National Runaway Switchboard's role is to link young people with a resource that provides the service needed by the caller. These linkages are provided primarily in three ways:

A. Through the provision of a neutral channel for runaways to re-establish contact with a parent or guardian.

B. Through the identification of agency resources to runaways in the community where the runaway is located.

C. Through the identification of home-community resources to those young people who contact us before they run away.

Since its inception in 1974, the National Runaway Switchboard has served over 486,000 teens and their families. More recently, in calendar year 1979, the NRS served 143,797 people (this figure does not include prank calls, phantoms, wrong numbers or any other insignificant calls). Of these significant calls, 77.3 percent were from runaways, 18.8 percent were from young people who had not left home and 3.9 percent were from throwaways. Throwaways are young people who have been forced out of their homes or are otherwise homeless youth.

In addition to receiving calls directly from runaways, the NRS receives calls from agencies working with runaways. Non-home community agencies call the NRS for assistance in identifying resources in the runaway's home community in order to facilitate better serving those young people upon their return home. The NRS maintains an up-to-date listing of over 7,000 agencies throughout the country who serve young people. This listing includes many shelters, group homes, community mental health centers, counseling agencies, medical clinics, and any other agency that meets the needs of runaways "on the road" or in the home community.

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*Names and locations have been altered to protect confidentiality.

PROFILE OF AN NRS CALLER

He or she is between 13 and 17 and most probably 16 years old. Over half the time the runaway caller is female (62 percent), although there is an increase in the number of calls from young males. According to our data, this runaway has an even chance of being from any community in the contiguous U.S.-suburban, urban or rural. Chances are this is his or her first (54.2 percent or second (16.3 percent) time away from home as a runaway. The runaway I'm describing is probably calling to talk with someone and obtain help working on his or her problem. This runaway has been gone from homeless than a week and is probably staying with friends or a relative.

When calling the NRS, runaways talk with one of more than 110 volunteers who help the caller determine what course of action is most appropriate. In two-thirds of the calls, the runaway needs help with a specific problem situation. Upon learning the nature of the young person's need the volunteer identifies from the NRS extensive resource bank the appropriate service agency that can meet the caller's need. Although the referral had been identified, the NRS referral process is not yet complete. The NRS volunteer calls the service agency of the callers' choice to double check the appropriateness of the referral and to allow the runaway caller to make some verbal contact with the referral agency prior to hanging up the phone. NRS telephone patch equipment allows more than two people to converse on the same line, consequently, the NRS volunteer, runaway and referral agency are able to converse at the same time. Direct contact with the referral agency is not made if it's 2 a.m. and the agency closed at 6 p.m. However, in all cases where possible the referral agency and the caller make telephone contact through NRS lines. The NRS believes that this direct contact approach substantially increases the chances of the caller actually following through with the referral.

More than a third of the callers wish to make some contact with their families. In this type of call, a young person "on the road" calls the NRS with a message that they want delivered to either their parent or guardian. A NRS volunteer requests identifying information of both the caller and the family, the message is written down verbatim and transmitted to the family by some other volunteer. All callers requesting the message service are offered the opportunity to speak with their families directly through our telephones lines. An increasing number of callers take advantage of this while others still would rather have a message delivered. Most messages take the form of something positive or neutral. Sample messages include: "I'm okay, don't worry." "I'll be home soon." "If you'll listen to me, I'll come home" and "I just need to get my head straight." The NRS also asks each message service caller if they will call back for a return message from their family. If the answer is "yes," the parent is told and encouraged to leave a reply message for their child. Some families have delivered up to five messages back and forth to each other before they've agreed to meet.

The National Runaway Switchboard maintains statistics on the calls received and the types of referrals made. Our 1979 statistics, released just this week, show some disturbing changes. The number of calls from young people who have been thrown out of their home has increased tremendously. During 1976, 1.8 percent of total calls were from throwaways. By 1979 that percentage has jumped to 3.9 percent. In child abuse (both physical and sexual) the increase is even more devastating. The NRS is receiving nearly four times as many calls concerning child abuse as were received three years ago. In 1976, 1 percent of the total calls taken by the NRS were child abuse related while in 1979 that figure jumped to 3.5 percent. While 3.5 percent may seem like a small percentage at first glance, it translates into approximately 5,033 teenagers just last year. And we know that certainly not all of the child abuse victims call. In fact, a small percentage recognize the problem and ask for help.

On the brighter side the NRS finds that young people spend less time away from home before they call for help. Three years ago the average runaway spent a week "on the road" before making contact with the NRS. Indications from 1979 data are that runaways call the NRS within three to four days after leaving. This clearly indicates that if runaways and young people who think they have to run away, have another option they will use it.

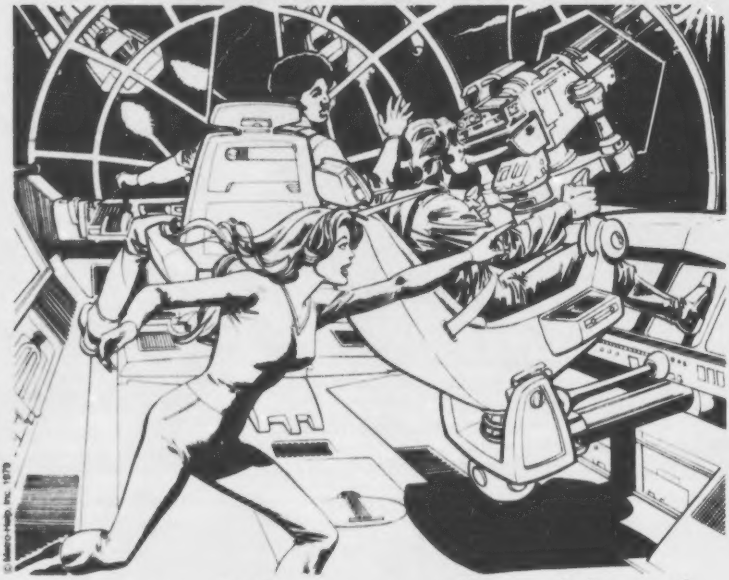
I mentioned earlier that the NRS keeps a listing of agencies who serve runaways across the country. I wish I could tell you that there are enough programs available to serve all the runaways who need and want assistance. I wish I could even tell you there are programs enough to serve a majority of those in need. Unfortunately, there are many, many times the NRS calls a program and they are full. There have been tremendous strides made since 1974. There are communities who never thought of offering services for runaways who now have some of the best programs in the country. However, there is much more to be done; there are major metropolitan areas in this country who have almost no available housing for runaways. There are other areas where the nearest runaway program is three hundred miles away. It is for these reasons that the National Runaway Switchboard strongly encourages a higher ceiling for funding of the Runaway Youth Act. I recognize that these are not the most lucrative of economic times. However, historical research has indicated that during times of economic stress the incidence of family problems increases. It is extremely important that the services available to youth and their families be increased.

The National Runaway Switchboard and the other Youth Development Bureau funded runaway programs act most often as the entry point to service for a family in trouble. The runaway, as we know, is the "red flag" on the family. By calling the NRS or contacting a runaway center the runaway is able to obtain help for themselves and in most cases for the family before something more serious happens.

In conclusion the National Runaway Switchboard strongly urges your support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act and its Title III, the Runaway Youth Act. The NRS further urges your support of an increase in the funding ceiling for the Runaway Youth Act. Additionally, the NRS urges careful assessment of a formula distribution of funds based on state population. Although in most cases the calls received by the NRS from a specific state are about equal to that state's percentage of the total U.S. population, there are some notable exceptions. And the exceptions are not always predictable.

On behalf of the more than 400,000 young people served by the National Runaway Switchboard I would like to thank you for your time and attention.

AWAY FROM HOME? NEED HELP?



National Runaway Switchboard

800-621-4000
(IN ILLINOIS: 800-972-6004)
TOLL FREE, AROUND THE CLOCK

Being young and away from home isn't easy—there are all kinds of problems one can encounter. Housing, family problems, legal concerns, emotional diffiulties, drug, medical or pregnancy problems—there are thousands of places all across the continental United States that help young people away from home in these and other areas.

No matter if the young person ran away from home, was thrown out or left with the parents' consent—or even is considering leaving home—the NATIONAL RUNAWAY SWITCHBOARD provides a toll-free telephone service that will help young people define their problems, determine if an emergency exists, and offer referral to a nearby program that provides first-rate free or low-cost help. In emergency situations, the NATIONAL RUNAWAY SWITCHBOARD will connect the young person directly to the source of help.

The NATIONAL RUNAWAY SWITCHBOARD guarantees complete confidentiality. When young people call they have total access to all the resources at the program's disposal. If they are interested in reestablishing communications with their family a message can be taken for delivery within 24 hours.

The NATIONAL RUNAWAY SWITCHBOARD. 800-621-4000 (in Illinois 800-972-6004). Toll-free, around the clock, around the year.

NATIONAL RUNAWAY SWITCHBOARD—1978 STATE BREAKDOWNS

This report is based upon 18,785 of the nearly 125,000 calls received on the National Runaway Switchboard lines during 1978 and is supplemental to the information contained in the "Data Report 1978" published by Metro-Help, Inc., operators of the National Runaway Switchboard service. Copies of this study are available from Metro-Help, Inc., 2210 N. Halsted St., Chicago, IL 60614.

Column "A" lists the percentage of calls that originated in the state noted; column "B" lists the percentage of calls tallied by the home state of the youth (runaway, potential runaway, throwaway) in question.

State	A	B	State	A	B
Alabama	1.6	1.8	Nebraska	.9	.5
Alaska	(1)	.1	Nevada	.7	.5
Arizona	1.3	1.1	New Hampshire	.3	.7
Arkansas	.8	.9	New Jersey	3.5	4.2
California	10.5	10.1	New Mexico	.5	.4
Colorado	1.1	1.3	New York	7.3	7.4
Connecticut	1.3	1.6	North Carolina	2.6	2.2
Delaware	.3	.5	North Dakota	.1	.2
District of Columbia	.6	.4	Ohio	4.7	4.6
Florida	7.4	6.9	Oklahoma	1.0	.8
Georgia	2.4	1.5	Oregon	1.7	1.8
Hawaii	(1)	.1	Pennsylvania	6.1	5.8
Idaho	.2	.3	Rhode Island	.2	.3
Illinois	5.0	4.9	South Carolina	.7	.5
Indiana	3.8	4.1	South Dakota	.4	.4
Iowa	1.2	1.1	Tennessee	1.5	1.4
Kansas	.7	.7	Texas	6.5	6.1
Kentucky	.9	.8	Utah	.3	.3
Louisiana	1.3	1.0	Vermont	.3	.2
Maine	.6	.7	Virginia	1.8	1.8
Maryland	1.6	2.0	Washington	1.7	2.7
Massachusetts	2.3	2.6	West Virginia	.8	.7
Michigan	3.9	4.9	Wisconsin	2.3	2.5
Minnesota	1.2	1.4	Wyoming	.2	.2
Mississippi	.8	.9	Canada	(1)	.2
Missouri	2.7	2.5	Mexico	(1)	(1)
Montana	.3	.3			

The National Runaway Switchboard is available to young people 24 hours a day, seven days a week, toll-free, at 800–621–4000 (in Illinois: 800–972–6004). All business calls are received on 312–929–5854.

DATA REPORT 1978

Metro-Help, Inc.

During 1978, Metro-Help, Inc. continued operations on two twenty-four hour a day, seven day a week telephone youth service programs—the Metro-Help Chicago-area switchboard, in service since 1971, and the National Runaway Switchboard, in service since 1974. Each year, Metro-Help, Inc. releases a study on a representative portion of the telephone calls received on each of these lines during the previous year.

This study is based upon 31,481 of the logged "significant" calls received during 1978. Not all significant calls can be logged—during the busier half of the day (1:00 PM to 1:00 AM Chicago time) calls are coming in on a consistent basis and the volunteers staffing the lines often do not have the time to ask all the questions needed to fill out the appropriate log sheets used for this study. Metro-Help, Inc. estimates it received 70,000 calls on its regional service lines and upwards of 135,000 calls on its National Runaway Switchboard lines in 1978.

"Non-significant" calls are those in which no services were rendered. Prank and "phantom" calls (where the individual says nothing) are also deemed "non-significant."

METRO-HELP REGIONAL SERVICE

Comparing the 1978 statistics to those compiled in 1976, the Metro-Help regional service noted a 70% increase in significant calls. Furthermore, the average length of these calls increased by 19% to nearly 17 minutes each.

The types of problems discussed on the regional lines showed marked changes when compared to 1976 statistics. Child abuse calls increased by 233%, an overwhelming growth. Rape related calls increased by 167%, and calls involving sexual concerns and emotional concerns increased by 20% and 15% respectively.

On the down side, pregnancy related calls decreased by 40%, medical situation calls decreased by 28% and drug related calls decreased by 15%.

Whereas the drug related calls did go down, there were marked changes in the types of drugs discussed on the Metro-Help regional lines. Inquiries concerning marijuana and related substances increased by 127%, in large part due to the paraquat poisoning scare. Calls concerning the alcohol and psychedelics families of drugs increased 32% and 22% respectively; the service received 41% fewer calls concerning analgesics and 23% fewer calls concerning depressants. The percentage of calls concerning stimulants and various drug combinations held steady.

When looking at certain specific drugs, the service noted a 41% increase in calls concerning PCP and a 54% decrease in calls concerning heroin.

METRO-HELP REGIONAL SERVICE— 1978

NUMBER OF CALLS IN STUDY: 12,696 LENGTH OF CALL (Minutes): Mean: 16.8 Mode: 5.0

AGE OF CALLER (Mode): 17 AGE OF CALLED ABOUT (Mode): 17

SEX OF CALLER: Female 58.8% Male 41.2% SEX OF CALLED ABOUT: Female 56.6% Male 43.4%

AGE:	CALLER	CALLED ABOUT
5 years	0	.2%
6	t	t
7	t	.1%
8	t	.1%
9	t	.1%
10	.2%	.2%
11	.3%	.3%
12	.6%	.7%
13	1.6%	1.8%
14	2.5%	3.1%
15	3.9%	4.8%
16	4.3%	5.6%
17	6.0%	6.9%
18	5.1%	5.4%
19	4.2%	4.6%
20	4.8%	5.0%
21	4.3%	4.5%
22	5.2%	5.1%
23	5.0%	4.9%
24	5.7%	5.4%
25	5.0%	4.6%
26	4.0%	3.9%
27	3.6%	3.2%
28	4.5%	4.1%
29	2.8%	2.7%
30	3.3%	3.1%
31 - 40	13.8%	12.1%
41 - 50	5.5%	4.2%
51 - 60	2.6%	2.0%
61+	1.2%	1.2%

PROBLEMS EXPRESSED	
Emotional Concerns	33.6%
Drug Related	19.7%
Family Problems	12.8%
Housing	8.7%
Sexuality	7.7%
Medical	5.1%
Pregnancy Related	3.2%
Rape	1.6%
Child Abuse	1.0%
Other	6.6%

CALLERS LOCATION	
Cook County	94.4%
DuPage County	2.9%
Lake Co. Ill.	1.5%
Will County	.6%
Kane Co.	.3%
Downstate Illinois	.1%
McHenry Co.	.1%
Kankakee Co.	t
Indiana	t

PERSON WHO CALLED	
Own problem	82.9%
Friend w/ problem	10.8%
Parent	3.2%
Agency	3.0%

TYPES OF DRUGS DISCUSSED (Groups)	
Alcohol	15.8%
Analgesics	13.9%
Drugs in combination	13.7%
Marijuana	13.2%
Depressants	12.1%
Psychedelics	11.6%
Stimulants	6.5%
Inhalents	.9%
Other	12.1%

SPECIFIC DRUGS DISCUSSED	
Alcohol	15.8%
Marijuana	12.9%
PCP	7.6%
Heroin	7.3%
Librium	3.3%
Methadone	2.4%
LSD	2.1%
Alcohol w/ non-barbiturates	1.6%
Alcohol w/ barbiturates	1.5%
Cocaine	1.5%

NATIONAL RUNAWAY SWITCHBOARD

Some interesting information comes out of a comparison of 1976 and 1978 National Runaway Switchboard statistics. As with the regional service, the average length of call increased, in this case by 13% to a fraction more than 14 minutes each. Calls from youth service agencies across the nation increased by 159%, calls from parents of runaways increased by 77% and calls from friends of runaways (and throwaways) increased by 65%. These various categories still account for a fraction of NRS calls, however, as nearly 77% of all significant calls received on these lines in 1978 were from people calling on behalf of their own problems.

The NRS heard from more young people who were thrown out of their homes by their parents or guardians. Calls from these "throwaways" increased by 33% during the past two years.

The increase in calls from agencies was mirrored by an increase in calls from young people who were staying with agencies at the time of contact—these calls increased by 59%. More significantly, the National Runaway Switchboard heard from 12% fewer young people who were "on the road" at time of contact.

When breaking down the differences in problems discussed between 1976 and 1978, one notes a marked increase in child abuse calls on the NRS, as seen also on the regional lines. Here child abuse calls increased by 160%. The only other category showing a significant increase was sexual concerns (excluding rape and pregnancy); this category registered a 90% increase.

The percentage of calls concerning housing problems decreased by 32%; it is clear runaways contacting the NRS have become more efficient in finding acceptable places to stay. Calls concerning rape held steady during this two year period, medical problems showed a slight decrease as emotional concerns, family difficulties and drug related calls all showed slight increases.

NATIONAL RUNAWAY SWITCHBOARD— 1978

NUMBER OF CALLS IN STUDY: 18,785

LENGTH OF CALL (Minutes): Mean: 14.1 Mode: 5.0

AGE:	CALLER	CALLED ABOUT
5 years	t	t
6	t	t
7	t	.1%
8	t	t
9	t	.1%
10	.2%	.2%
11	.3%	.4%
12	1.1%	1.3%
13	3.9%	4.5%
14	9.7%	11.4%
15	18.7%	21.2%
16	22.8%	25.9%
17	20.8%	21.9%
18	3.8%	3.7%
19	2.1%	1.7%
20	1.5%	1.1%
21	1.0%	.7%
22	.9%	.6%
23	.8%	.4%
24	.8%	.5%
25	.9%	.6%
26	.6%	.4%
27	.6%	.5%
28	.7%	.4%
29	.4%	.2%
30	.6%	.3%
31 - 40	4.3%	1.2%
41 - 50	2.3%	.4%
51 - 60	.9%	.2%
61+	.4%	.1%

AGE OF CALLER (Mode): 16
AGE OF CALLED ABOUT (Mode): 16

SEX OF CALLER:		
	Female	63.8%
	Male	36.2%

SEX OF CALLED ABOUT:		
	Female	64.0%
	Male	36.0%

PERSON WHO CALLED	
Own problem	76.9%
Friend w/ problem	11.7%
Parent /Relative	7.1%
Agency	4.4%

STATUS OF YOUTH	
Runaway	83.1%
Pre-runaway	13.3%
Throwaway	3.6%

NUMBER OF DAYS AWAY	
1 - 3 days	32.6%
4 - 7 days	19.6%
8 - 14 days	14.8%
15 - 21 days	5.9%
22 days - 1 month	6.7%
1 - 2 months	7.4%
2 - 3 months	4.2%
3 - 6 months	5.6%
6 months - 1 year	3.9%
1 - 2 years	1.1%
2 - 3 years	.4%

Mean -- 43.1 days
Median -- 7.2 days
Mode -- 1 day

PROBLEMS EXPRESSED	
Housing	26.1%
Family Concerns	23.9%
Emotional Concerns	23.4%
Drug Related	4.2%
Sexuality	3.8%
Pregnancy Related	2.9%
Child Abuse	2.6%
Medical	2.1%
Rape	.8%
Other	10.2%

NUMBER OF TIMES PREVIOUSLY RAN AWAY			
0 -	53.3%	7 -	1.1%
1 -	15.6%	8 -	.8%
2 -	9.3%	9 -	.6%
3 -	6.2%	10 -	1.4%
4 -	4.2%	11 to 20 -	2.4%
5 -	2.4%	21 to 30 -	.6%
6 -	1.4%	31+ -	.6%

LOCATION AT TIME OF CALL	
With Friends	41.9%
On the Road	36.8%
With Agency	10.5%
With Relative	4.1%
Living Alone	3.9%
Other	2.7%

For more information concerning Metro-Help, Inc., the Metro-Help regional service or the National Runaway Switchboard, write to the Executive Director, Metro-Help, Inc., 2210 N. Halsted St., Chicago, Illinois 60614, or call the business line, (312) 929-5854.

PREPARED STATEMENT OF RONALD W. CLEMENT ON BEHALF OF THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, INC.

I am here today to speak in support of the Runaway and Homeless Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974. My testimony is on behalf of the National Network of Runaway and Youth Services, Inc. The National Network is a national membership organization of youth service agencies and coalitions which includes 125 runaway centers. Network members began the first runaway houses in 1967. Network members were very active in shaping and supporting the Act in both 1974 and 1977. The National Network represents more runaway service agencies and embodies more expertise in serving runaways and homeless youth than any other association. Our efforts are augmented through coordinated efforts at the local and national levels with member agencies of the National Collaboration for Youth. This group, serving over 30,000,000 youth annually, supports the National Network's positions as stated herein.

I have been active within the Network since 1975. For the past two years, I have served as Chairperson of the Network Board of Directors Policy, Advocacy, and Linkages Committee. In this capacity, I have visited programs and met with runaway center staff and youth throughout the country. I have become aware of the changing needs of runaway and homeless youth, the efforts by runaway centers to remain responsive, and changes in public policies affecting youth nationwide.

I am also speaking from substantial personal experience in the operation of runaway centers. For over eight years, I have been Director of Diogenes Youth Services in Sacramento and Davis, California. My agency operates two runaway centers serving urban and rural areas respectively. We provide temporary crisis housing for needy youth in both traditional shelter settings and family foster homes. We provide youth and family counseling. We work closely with Juvenile Justice and social welfare agencies to provide services for status offender youth. I have experience as both an administrator and counselor working directly with runaway youth and their families.

Based on direct experience with federal implementation of the Runaway Youth Act and through substantial consultation with the National Network membership, we take a position that the Runaway Youth Act should not be modified significantly. Any major programmatic or funding changes would cause havoc. This federal legislation has been extremely effective in meeting a goal of serving large numbers of troubled youth at reasonable cost. The Runaway Youth Act has been an incentive for local communities and states to become responsive to the needs of the underserved population of runaway and otherwise homeless youth.

However, since 1977's reauthorization, there have been some changes in the runaway youth population and needed services. These changes prompt minor modifications, and should be reflected in the Act.

We support changing the language in the Act which will identify runaway houses as "Runaway Centers." Runaway services have responded to changing community needs and now serve youth and families experiencing a myriad of problems. They are diversifying their services in response. "Runaway centers" throughout the country have become community coordinating centers providing referral for medical, legal, and other social service needs. The "centers" have become a valuable asset in a community effort to serve troubled, homeless youth. Yet, "runaway centers" continue to provide twenty-four hour services which are easily accessible to youth and families. Frequently, they represent a community's single crisis service.

Services enabled through this legislation have contributed significantly to meeting the needs of status offenders. Runaways centers have played a key role in deinstitutionalization of status offenders over the past six years by demonstrating that non-secure shelter care and counseling services can be effective in meeting the needs of troubled youth and families. These programs have also been very active in advocating deinstitutionalization of status offenders within local and state systems.

Although we fully support deinstitutionalization of status offenders, we are concerned that this population continue to receive special attention by the Juvenile Justice system through coordinated efforts with runaway centers. The ability of runaway centers to fosters such links with law enforcement and the juvenile courts greatly enhances the ability of these groups to address problems inherent in the more serious juvenile offender.

As we begin to realize that running away or being pushed out of one's home should not be the responsibility of law enforcement and the juvenile courts, we discover that the social welfare and child protective services system is not prepared to address the needs of these young people or their families. For example, the American Humane Association found in 1977 that youth 10 to 17 years of age represented 30 percent of all child abuses and neglect reports nationally. Yet this same age group represents only 15 percent of those child abuse and neglect cases formally responded to by local child protective service agencies. In my own agency, for example, over 50 percent of the runaway and homeless youth we serve are alleged victims of abuse or neglect. Two runaway centers—my own agency and Youth in Need in St. Charles, Missouri—are serving as national research and demonstration projects in the area of adolescent maltreatment. Runaway centers at this time represent one of the few services responding to maltreated youth. Hence, we strongly support inclusion in the Act of language requiring projects to develop working relationships with social service and welfare personnel.

Today, many more of the youth we serve either do not have a family home, or, sadly enough, their home is not fit to return to. In my agency, for example, 40 percent of the youth we serve can only be described as homeless. Resources within either the traditional Juvenile Justice or social welfare systems are already at their limits. Since homeless youth are only now becoming recognized, little expertise or understanding of their needs exists. These youth frequently require longer term assistance and specialized services designed to promote a smooth transition to independent living or a return home. Many of us are now developing new services and funding for this population such as jobs programs, longer term shelter care, and independent living skills education. Runaway centers again are the single service system in this country actively moving to serve homeless youth. Hence, we are pleased to support changing the Acts' title to **"Runaway and Homeless Youth Act."**

Despite the fact that we are now working with many "homeless youth," our primary goal continues to be to reunite youth with their families. We are now acquiring the capacity to assist families in resolving their problems so that further difficulties can be averted. In my agency, for example, over 50 percent of the youth we shelter return directly to their families. At least another 25 percent eventually return home; 40 percent of the youth do not need any shelter but can remain in their homes and receive counseling on a drop-in basis. Fully 50 percent of those we serve participate in formal family counseling. Runaway centers are doing a good job of supporting families.

We support language within the Act which will make grants available to link runaway and homeless youth with their families, as well as service providers, through the use of a national hotline telephone network. Such a network will assist runaway centers in supporting families providing resources to initiate direct contact between youth and families over long distances. Also, such a network will enable runaway centers to set up places for youth to return to if they have run away to cities beyond their own communities.

Because runaway centers serve large numbers of youth for short periods of time, we are at a pivotal point in our communities' human service systems. We must rely heavily on other agencies to serve youth after they leave our centers. We quickly become aware of the service gaps and strengths in our communities. We actively work to mobilize resources to plug these gaps. National demonstration projects are underway which document our efforts. These demonstrations are in such areas as abuse and neglect, prostitution, and unemployment. These efforts validate runaway centers' working relationships with juvenile courts, child protection services, and traditional youth-serving programs. It is these efforts, enabled by the Runaway Youth Act, that reinforce the rule runaway centers play as essential services in their communities.

Volunteer contributions play a critical role in the operation of runaway centers. Volunteers reduce operating costs and increase community involvement. Adult and youth volunteers provide direct services and outreach, and serve on Boards of Directors. Youth volunteers serve as healthy role models for runaway and homeless youth. Youth participation provides opportunities to learn, grow, and contribute. Runaway centers represent some of the best examples of effective volunteer involvement.

The National Network supports raising the maximum grant to individual centers from $100,000 to $150,000. This increase, justified by inflation alone, is necessary to maintain quality services. The Network also supports priority funding to programs with maximum budgets of $300,000. This ceiling will encourage and favor community-based organizations. The community-based nature of runaway services is a crucial ingredient in keeping the programs effective and responsive.

The National Network supports increasing the authorization level for the Act to $35 million per year. In order to fulfill the goals of the Act throughout the nation, this amount is required.

The National Network recognizes the need to develop runaway centers in communities which do not have such services. However, any attempt to develop additional centers can be accomplished only through increasing appropriations for the Act. We therefore support language in the Act which will bring additional funding through the transfer of unobligated funds from the Office of Juvenile Justice and Delinquency Prevention.

Runaway centers have been very successful in attracting other resources. We estimate the average runaway center with a Runaway Youth Act grant of $67,000 also receives at least $100,000 in other local, state, and federal grants and contracts. My agency, for example, has grown from less than $100,000 in 1974 to $400,000 today. Yet Runaway Youth Act funding remains essential and virtually irreplaceable. My agency has $100,000 in local contracts that are specifically contingent upon continued RYA funding. There simply are not other sources of money available that can or will support 24 hour crisis-oriented services for any runaway or homeless youth. Some of the more unique aspects of runaway centers are that we respond to any youth in need at any time, and that we assure confidentiality.

Runaway inflation, the drive to balance the federal budget, and local tax cutting efforts such as California's Proposition 13 do have an adverse effect on human services. Sadly enough, services for youth too often are the last funded and the first cut. There simply is no national program more important than the Runaway and Homeless Youth Act to help assure that the needs of runaway and homeless youth are addressed. At a time when we are searching for alternatives to institutionalization of status offenders, we need look not further than runaway centers. Runaway centers are the model. These programs have proven their effectiveness in all types of communities in every part of the nation. This model should be further replicated. We wish to thank the subcommittee members for their support of this important piece of youth legislation. Senator Bayh's concern for runaway youth which led to the passage of this legislation in 1974 has enabled 165 communities to assist their troubled youth and build stronger families. We urge you to continue your support for this vital legislation and offer ourselves as a resource in this effort. Thank you.

APPENDIX

PART I.—CONGRESSIONAL RECORD STATEMENTS

United States of America
Congressional Record
PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION
Vol. 126 WASHINGTON, TUESDAY, MARCH 18, 1980 No. 44

Senate

By Mr. DOLE:

S. 2434. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

Mr. DOLE. Mr. President, I send to the desk a statement and a bill which I am introducing today with reference to the Juvenile Justice and Delinquency Prevention Act.

The Federal Government has a responsibility to continue its efforts to improve the quality of justice that is available to juveniles in this country. The problem of juvenile delinqunecy must continue to be dealt with in an effective and meaningful manner if the levels of juvenile crime are to continue their decline.

Federal assistance programs that were designed to prevent and control juvenile delinquency have apparently met with a small degree of success. According to the most recent statistics in 1976, persons under 18 accounted for 25 percent of the total arrests recorded by police nationally and for 42 percent of the arrests for serious crime. In 1978, persons under 18 accounted for 23.3 percent of the total arrests recorded by police nationally and for 40.5 percent of the arrests for serious crime.

This is not of great significance, but it is some decline. And there is interest in this legislation and I hope that it can be considered quickly by the Congress.

THE JUVENILE JUSTICE AND DELINQUENCY PLEVENTION ACT

The Federal Government must continue its leadership role in the coordination of resources to develop State and local programs for the prevention and treatment of juvenile delinqunecy. Toward this end, I am introducing today legislation that will extend the Juvenile Justice and Delinquency Prevention Act of 1974 through fiscal year 1984. The bill authorizes $125 million in fiscal year 1981 and $125 million in each succeeding year for the programs that are created by this act. In addition, the bill requires that there shall be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least, the average percentage of the 3 most recent fiscal years for which figures are available of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments.

MAINTENANCE OF EFFORT

An important aspect of the 1974 Juvenile Justice Act was the "maintenance of effort" provision. That law called for a set aside of 19.15 percent of all Law Enforcement Assistance Administration (LEAA) funding to be reserved for juvenile justice programs. This percentage was based on the ratio of LEAA expenditures for juvenile justice to the agency's total expenditures for fiscal 1971. It is time to carefully reexamine this ratio in the light of experience in its administration.

The Senate version of the Justice System Improvement Act of 1979 provided for the complete elimination of the maintenance of effort provision. The Senator from Kansas' bill does not go that far. Instead it attempts to develop a new formula based on the average percentage of the three most recent fiscal years of the total expenditures made for criminal justice programs by State and local governments.

AUTHORITY OF THE ASSISTANT ADMINISTRATOR

The Office of Juvenile Justice and Delinquency Prevention will remain within the LEAA of the U.S. Department of Justice to administer the provisions of this act.

The Assistant Administrator of LEAA will continue to head the office although he will be under the policy direction and control of the Administrator of LEAA.

Under the Justice System Improvement Act, a new Office of Justice Assistance, Research and Statistics (OJARS) has been established. This new agency plays a coordinative role in Federal efforts to provide assistance to State and local criminal justice agencies, but is not an operational nor policy determining organization. Although these new relationships should be examined in the context of the juvenile justice program, this Senator can see no reason to change the organizational location of the juvenile justice program. S. 2434 seeks only to clarify the relationship between LEAA and OJJDP.

A PRACTICAL APPROACH

It is my hope that by extending the authorization for the Juvenile Justice and Delinquency Prevention Act of 1974, States and local governments, private and public organizations will have the assistance that is necessary to continue the development of practical approaches to the problems of youths that have become involved in the juvenile justice system. Juvenile crime and delinquency prevention must continue to be a top Federal, State, and local priority. It is clear to me that a major cause of this Nation's staggering crime rate is juvenile crime and violence. This legislation is designed to deal with that cause.

Mr. President, I ask unanimous consent that the text of S. 2434 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

AMENDMENT TO AUTHORIZATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by striking out the period at the end of the first sentence and inserting a comma and the following: "$100,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

(b) Section 341(a) of that Act (42 U.S.C. 5751(a)) is amended by striking out the period at the end thereof and inserting a comma and the following: "the sum of $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

AUTHORITY OF THE ASSISTANT ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 3. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by inserting immediately before the period at the end of the second sentence the following: ", under the policy direction and control of the Administrator".

(b) Section 201 (d) of that Act (42 U.S.C. 5611(d)) is amended by striking out "subject to the direction of the Administrator" and inserting in lieu thereof "under the policy direction and control of the Administrator".

PERCENTAGE OF TOTAL APPROPRIATIONS EXPENDED FOR JUVENILE DELINQUENCY PROGRAMS

SEC. 4. (a) Section 261 (b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended to read as follows:

"(b)(1) In addition to the funds appropriated under subsection (a) of this section, there shall be maintained from appropriations for each fiscal year alloted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968 at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with paragraph (2).

"(2) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

(b) Section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793a) is amended to read as follows:

"MAINTENANCE OF EFFORT

"SEC. 1002. (a) In addition to the funds appropriated under section 261 (a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations under this title for each fiscal year, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with subsection (b).

"(b) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

Vol. 126 WASHINGTON, WEDNESDAY, MARCH 19, 1980 No. 45

Senate

(Legislative day of Thursday, January 3, 1980)

ACCOUNTABILITY, EFFICIENCY, AND VIOLENT JUVENILE CRIME CONTROL FOCUS OF BAYH JUVENILE JUSTICE REAUTHORIZATION BILL

S.2441

By Mr. BAYH:

S. 2441. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (by request):

S. 2442. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

ACCOUNTABILITY, EFFICIENCY, AND VIOLENT JUVENILE CRIME CONTROL FOCUS OF BAYH JUVENILE JUSTICE REAUTHORIZATION BILL

● Mr. BAYH. Mr. President, today I am introducing the Violent Juvenile Crime Control Act of 1980, which is designed to strengthen and stabilize our 6-year congressional commitment to the Juvenile Justice and Delinquency Prevention Act of 1974, (JJDPA) while at the same time mandating that the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has final accountability and responsibility for implementing the Juvenile Justice provisions of this act. The Runaway and Homeless Youth Act is retained and administered by HEW's Youth Development Bureau, Runaway and Homeless Youth Division.

JUVENILE JUSTICE ACT HISTORY

In 1974, the Congress established juvenile crime prevention as the Federal crime priority. The 1974 act was the product of a 4-year bipartisan effort, which I was privileged to lead, to improve the quality of juvenile justice throughout the United States and to overhaul the Federal response to juvenile delinquency. The 1974 act was passed by a vote of 88 to 1 in this body.

In 1977, the Congress, by a unanimous vote, reauthorized the Juvenile Justice Act for 3 additional years to stabilize and revitalize our juvenile crime program. The bipartisan nature of this act's support from 1970 to the present is reflected in the act's cosponsors in this body over the years—Mr. Hruska, Mr. Mathias, Mr. Cook, Mr. McClellan, Mr. Fong, Mr. Philip Hart, Mr. Hugh Scott, Mr. Kennedy, Mr. Thurmond, Mr. Burdick, Mr. Gurney, Mr. Abourezk, Mr. Bible, Mr. Brock, Mr. Case, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hubert Humphrey, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Mondale, Mr. Cannon, Mr. Eastland, Mr. Culver, Mr. DeConcini, Mr. Hatfield, Mr. Leahy, Mr. Magnuson, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Stevens, and Mr. Heinz.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973, and S. 1021 on March 17, 1977.

The Senate Subcommittee to Investigate Juvenile Delinquency of which I was chairman, held extensive hearings that demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the terrible problems of the juvenile justice system which did not provide individual justice, effective help to juveniles, or protection for our communities. In particular, they repeatedly emphasized that large custodial institutions such as reformatories and training schools were nothing more than schools of crime, where juveniles learned the skills of the experienced criminal.

A clear consensus emerged supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to training schools for many youngsters. This consensus was further expressed by the National Advisory Commission on Criminal Justice Standards and Goals which recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provided additional support for the philosophy of the legislation that many delinquents, but especially noncriminal status offenders and neglected or dependent children, who had previously been institutionalized, could be helped successfully in community settings.

State officials testifying before the subcommittee stressed the need for effective, coordinated Federal funding to assist the States in carrying out their efforts to treat juveniles in the community. The former Governor of Massachusetts, the Honorable Francis Sargent and the former Governor of Ohio, the Honorable John Gilligan, were eloquent in describing the urgent need for this legislation. The deputy director of the Kentucky Department of Child Welfare, confirmed the feeling of many State administrators in urging passage of this bill:

> Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about resolving problems facing youthful offenders. I was shocked by the flagrant maltreatment of offenders, by the brutal incarceration of noncriminal runaways and by the bureaucratic ineffectiveness which had marked the grossly inadequate Federal approach to the prevention of delinquency.

During the early 1970's the hearings and investigations in Washington and throughout the country by the Subcommittee to Investigate Juvenile Delinquency (abolished in 1979 with the juvenile jurisdiction transferred to the Subcommittee on the Constitution) led me to two important conclusions.

The first is that our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble. The juvenile who took a car for a joy ride, or vandalized school property, or viewed shoplifting as a lark, was confronted by a system of justice often completley incapable of responding in a constructive manner.

However, during the late 1970's and this new decade, we have begun to build on our past experiences with the act making substantial progress not only at the Federal level, but especially at the State and local level. We intend that the Juvenile Justice Office be an advocate for the families and youth of our States, while at the same time protecting their human, constitutional and legal rights.

THE 1980 AMENDMENTS: THE VIOLENT JUVENILE CRIME CONTROL ACT

Mr. President, the bill I am introducing today extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 5 years. It also specifically delegates all final authority for juvenile justice programs to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). I have long believed that this delegation of authority is a necessary factor in any efficient and coordinated effort to adequately confront the problems of the juvenile justice system. The individual who bears the responsibility for managing this Office and coordinating all Federal juvenile justice programs should also have the authority to carry out that responsibility. Since 1974 the Congress has stressed this fact in conference reports and debate on the floor of both Houses of Congress. In this reauthorization, we will specifically mandate this proper delegation of authority for the Administrator of OJJDP. The bill also requires the appointment of two deputies and one legal advisor to insure that the Administrator of OJJDP will be able to carry out this authority.

Mr. President, one of the primary reasons for my introduction of the original Juvenile Justice Act in 1971 was my concern with the increasing problem of juvenile crime. I have long believed that the best method of controlling violent crime is to prevent it in the first place. If we can take the first-time minor offender and prevent him or her from committing even more serious offenses we will have gone a long way toward controlling our problem with violent offenders. In the same vein, however, I firmly believe that some youthful offenders must be removed from their communities for society's sake as well as their own. The secure incarceration of youthful offenders should be reserved for those youths who commit serious, violent offenses and cannot be handled by other alternatives.

It was shocking for me to learn through our hearings over the past 10 years, that often the juvenile justice system actually incarcerates the nonviolent, noncriminal status offender as well as the neglected and abused child more often than those who are charged with or convicted of criminal offenses. Status and nonoffenders are actually more likely to be detained, more likely to be institutionalized, and once incarcerated, more likely to be held in confinement for longer periods of time than those who are charged with or convicted of criminal offenses.

One of the underlying precepts of the Juvenile Justice Act is to reorder these misplaced policies and priorities. I do believe, however, that the problem of the violent offender should be given an increased focus. These relatively few individuals cause a disproportionate amount of suffering and fear among the adult population.

A major new study by Pennsylvania State University, where 88 percent of 2,000 elderly citizens were surveyed, found that they actually cross the street or change their direction of travel just to avoid teenagers. Elderly persons living in cities are so afraid of teenagers that many remain indoors after 3 p.m. and do not go to senior citizen centers, parks and other places they would normally go.

The study found that 66 percent of the persons surveyed said fear of crime has greatly affected their use of facilities designed for the elderly.

Past surveys have shown that many older people are afraid to leave home after dark, but I was surprised to find that 3 p.m. is now the cut-off time.

About one-fifth of the elderly in the study wanted to be home, indoors, by the time school let out. Nine percent of the elderly in the study had been crime victims within the 12 months before the survey. Most had been robbed or had their homes burglarized. A total of 33 robberies, 22 assaults, and 5 other crimes had been committed against the elderly in the study while they were en route to senior citizen centers.

The amendments I am introducing today are designed to bring increased attention to the violent offender. These amendments, entitled, the "Violent Juvenile Crime Control Act of 1980," would retain the 19.15-percent maintenance of effort provision and at the same time mandate that these funds be targeted for programs aimed to curb violent crime committed by juveniles. For these offenders who are charged with the violent crimes of murder, forcible rape, robbery, aggravated assault, or arson involving bodily harm this legislation establishes programs to identify, apprehend, speedily adjudicate, sentence, and rehabilitate these individuals in a humane fashion. In addition, this bill would require the Administrator to provide a detailed evaluation of "Scared-Straight" type programs and their potential for rehabilitating juvenile offenders.

VIOLENT JUVENILE OFFENDERS: MYTH OR REALITY?

Mr. President, we are all too familiar with the litany of violence reported daily by the press and the media. We have all heard witnesses testify of their horrible, brutal attacks by young people, including our elderly victims. Noteworthy, however, is the fact that the victims of violent juvenile crime are more likely to be juveniles themselves. The National Advisory Commission on Criminal Justice Standards and Goals reported that:

> Victims of assaultive violence in the cities generally have the same characteristics as the offenders: victimization rates are generally highest for males, youths, poor persons and blacks.

Of course, these reports are of little comfort to the frightening numbers of Americans who have personally been victims of violent crimes. An ever-increasing percentage of our citizens—young and old—find their daily lives directly affected by the fear of violence in their communities. Recent polls reveal that half of our citizens are afraid to walk alone at night in their neighborhoods, nearly 20 percent do not feel safe in their own homes and nearly 33 percent of our young people are afraid in their own schools.

RUNAWAY AND HOMELESS YOUTH ACT

Mr. President, one of the key features of our efforts in the juvenile justice area has been the Runaway and Homeless Youth Act.

The Runaway and Homeless Youth Act is designed to provide assistance to States, localities, and nonprofit private agencies to operate temporary shelter care facilities in areas where runaways tend to congregate. These programs, over 167 funded by HEW last year, deal primarily with the immediate needs of runaway youth or otherwise homeless young people in a manner which is outside the traditional law enforcement structure and juvenile justice system.

When the Runaway Youth Act was first passed in 1974, it did not include assistance for homeless youth, or those who are dependent, neglected, and abused. However, the 1977 amendments to the act incorporated homeless neglected and abused youth in the category of those to be assisted under the act. It is my opinion, and those of us in Congress, that there are many young people who have no home from which to run, or who are so abused or neglected that leaving home is a rational alternative. The programmatic focus of the act should continue to reflect these concerns.

There are approximately 1 million runaways each year, with the average age of these youngsters being 15. In addition, in the last few years there have women running away from home. We have also discovered that a growing number of young runaways are forced from their homes by physically abusive and neglectful parents.

The runaway and homeless youth program is designed to offer necessary emergency medical care and counseling for both the young people and their families, so these young people can be helped before they end up incarcerated in juvenile institutions or even, unfortunately in many cases, adult jails.

The cornerstone of the Juvenile Justice/Runaway and Homeless Youth Act is prevention. The Runaway and Homeless Youth Act provisions are directed toward the prevention of juvenile crime, a reduction in the substantial law enforcement problem of communities inundated with runaways, and short-term placement for homeless youth.

VIOLENT JUVENILE CRIME CONTROL ACT: KEY PROVISION TO ASSIST OUR HOMELESS, NEGLECTED, ABUSED AND RUNAWAY YOUNG PEOPLE

Mr. President, a key provision of the amendments I am introducing today, requires that appropriated funds under the Juvenile Justice Act, not obligated, by the end of each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications were available to OJJDP. Fortunately, in 1978 the 3-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carryover. In order to assure that appropriated funds obtained in these belt-tightening times are obligated in a timely manner, my bill will transfer any such carryover to the title III program which, to date, has not experienced such problems.

Mr. President, it is true that the Office of Juvenile Justice is tragically understaffed. By the Department's own survey, the Office should have at least 150 staff in order to carry out this program effectively, efficiently, and with responsibility. But, the necessary staff has not been provided to get the job done. Hopefully, we in Congress will be able to overcome this pitfall.

Violent juvenile crime must be put into perspective. Yet, in no way do I wish to minimize the tragedy and horror experienced by the victims of violent offenses.

Mr. President, the Federal Government can play an important role in delinquency prevention, but not in isolation. Solutions to youth crime cannot be provided exclusively by the Federal Government. These problems will not be solved by simply passing a bill, issuing a report, holding a hearing or signing a law in Washington. The most valuable assets in our efforts to prevent juvenile crime are the family, the church and our schools. Any successful preventive Federal juvenile justice effort must rely heavily on the recruitment of interested citizens, community groups, State and local leaders, juvenile court judges, social workers, school personnel, religious leaders and, most importantly, on the family.

It is imperative to keep the legislative process and statutes in this perspective. Legislation is never a solution or cure in itself; it is a framework within which a problem can be attacked. The better the legislation, the better the chance the system will meet and respond appropriately. These amendments are one step in attacking the problem of juvenile crime in a prudent manner. Equitable resources, in relation to our current juvenile population, potential, and expertise must be committed to our juvenile offenders and nonoffenders, if we are to make any gains in addressing these problems in the 1980's.

CONCLUSION

Mr. President, in summary, this bill extends the act for 5 years at $200 million for each of fiscal years 1981 through 1983 and $225 million for each of fiscal years 1984 and 1985; delegates all final authority to the OJJDP Administrator; requires the Administrator to appoint two deputies, and one legal advisor; requires the Administrator to provide a detailed evaluation of "Scared-Straight" programs; increases citizen participation in the operation of the program; retains the 19.15 percent maintenance of effort provision, but mandates that it be spent for programs aimed at curbing violent crimes committed by juveniles; requires the Administrator to implement the maintenance of effort, formula grant, discretionary grant and other initiatives in OJJDP; provides adequate administrative support for the Office; extends the Runaway and Homeless Youth Act for 5 years at $25 million for each of fiscal years 1981 through 1983 and $30 million for each of fiscal years 1984 and 1985, and mandates that any carryover funds from the Juvenile Justice Act be transferred to the Runaway and Homeless Youth Act by January 1 of each subsequent fiscal year.

The Juvenile Justice and Delinquency Prevention Act and these 1980 amendments will provide the stability so vital to the continuation of this congressional initiative. The 5-year extension, with the adequate funding provided, when coupled with full implementation of the provisions of the 1974 and 1977 acts will help address crime's cornerstone in this country—juvenile crime and violence. Although the amounts authorized to date have been very frugal relative to the task of each of the participating States, such resources provided in a stable, continuous fashion will do wonders to achieve the mandate of the 1974 act. As we all know, $100 today is only worth $70 of 4 years ago.

Mr. President, I could not conclude without expressing a debt of gratitude to the numerous private agencies and public groups who have been most actively involved in assisting us with this act and its amendments. If there ever has been a citizen's measure, it is this one. More than 75 organizations—across-the-board philosophically, and across-the-country knowing no geographical bounds have participated in these efforts. Without their help we could not have gotten the act passed in 1974, drafted the 1977 provisions, tested the provisions, and developed the necessary support for the 1980 provisions. I ask unanimous consent that the list of organizations endorsing the JJDPA of 1974 be printed in the RECORD.

I urge my colleagues to support this extension and I look forward to working with you and those in the House of Representatives toward our mutual goals.

Mr. President, I ask unanimous consent that the bill, section-by-section analysis, along with a partial list of those who support this act, and a portion of the annual report of the Runaway and Homeless Youth Division at HEW be printed at this point in the RECORD.

Mr. President, today I am also introducing, by request, the administration bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974. I ask unanimous consent that the Vice-President's letter, bill, and sectional analysis be printed following my materials in the RECORD.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415, AS AMENDED IN 1977, PUBLIC LAW 95-115)

American Federation of State, County, and Municipal Employees.

American Institute of Family Relations.

American Legion, National Executive Committee.

American Parents Committee.

American Psychological Association.

B'nai B'rith Women.

Children's Defense Fund.

Child Study Association of America.

Chinese Development Council.

Christian Prison Ministries.

AFL-CIO Department of Community Services.

AFL-CIO, Department of Social Security.

American Association of Psychiatric Services for Children.

American Association of University Women.

American Camping Association.

American Federation of Teachers.

American Occupational Therapy Association.

American Optometric Association.

American Parents Committee.

American Psychological Association.

American Public Welfare Association.

American School Counselor Association.

American Society for Adolescence Psychiatry.

Association for Childhood Education International.

Association of Junior Leagues.

Emergency Task Force on Juvenile Delinquency Prevention.

John Howard Association.

Juvenile Protective Association.

National Alliance on Shaping Safer Cities.

National Association of Counties.

National Association of Social Workers.

National Association of State Juvenile Delinquency Program Administrators.

National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.

National Commission on the Observance of International Women's Year Committee on Child Development, Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.

National Conference of Criminal Justice Planning Administrators.

National Conference of State Legislatures.

National Council on Crime and Delinquency.

Boys' Clubs of America.

Boy Scouts of the USA.

Child Welfare League of America.

Family Impact Seminar.

Family Service Association of America.

Four-C of Bergen County.

Girls Clubs of America.

Home and School Institute.

Lutheran Council in the U.S.A.

Maryland Committee for Day Care.

Massachusetts Committee for Children and Youth.

Mental Health Film Board.

National Alliance Concerned With School-Age Parents.

National Association of Social Workers.

National Child Day Care Association.

National Conference of Christians and Jews.

National Council for Black Child Development.

National Council of Churches.

National Council of Jewish Women.

National Council of State Committees for Children and Youth.

National Jewish Welfare Board.

National Urban League.

New York State Division for Youth.

Palo Alto Community Child Care.

Philadelphia Community Coordinated Child Care Council.

The Salvation Army.

School Days, Inc.

Society of St. Vincent De Paul.

United Auto Workers.

United Cerebral Palsy Association.

United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.

United Methodist Church—Board of Global Ministries.

United Neighborhood Houses of New York, Inc.

United Presbyterian Church, USA.

Westchester Children's Association.

National Federation of State Youth Service Bureau Associations.

National Governors Conference.

National Information Center on Volunteers in Courts.

National League of Cities.

National Legal Aid and Defender Association.

National Network of Runaway and Youth Services.

National Urban Coalition.

Public Affairs Committee, National Association for Mental Health, Inc.

Robert F. Kennedy Action Corps.

U.S. Conference of Mayors.

Big Brothers/Big Sisters of America.

National Youth Workers Alliance.

National Council of Juvenile and Family Court Judges.

National Council of Criminal Justice Planners.

Youth Network Council.

American Bar Association.

American Civil Liberties Union.

National Juvenile Law Center.

National Coalition for Children's Justice.

Children's Express.

Children's Defense Fund.

Coalition for Children and Youth.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act shall be cited as the "Violent Juvenile Crime Control Act of 1980."

Section 101 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add an additional declaration of purpose. The new section 101(a)(8) adds a Congressional declaration of purpose that the Justice system should give additional attention to the problem of violent crimes committed by juveniles, particularly in the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.

Section 103(a) repeals paragraphs (4) and (5) of section 103 which are no longer pertinent.

Section 103(b) amends section 103(7) to list additional territories that qualify as "States" eligible for funding under the Act.

Section 103(c) amends section 103(9), a technical amendment.

Section 201 amends Title II, Part A of the Act in three ways:

(1) It delegates all final authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

(2) It requires the Administrator of OJJDP to appoint the two statutory Deputies, as well as the newly created Legal Advisor.

(3) It requires the Administrator of OJJDP to provide a detailed evaluation of "Scared-Straight"-type programs to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, by December 31, 1980.

Sections 202 and 203 amend Title II, technical amendments.

Sections 204 and 205 amend Title II, Part B, Subpart I related to block grant Federal Assistance for State and Local Programs, technical amendments.

Section 206 Amends Title II, Part B, Subpart II related to discretionary grant Federal Assistance for Priority Juvenile Prevention and Treatment Programs, technical amendments.

Sections 207 and 208 amend sections 223 (b)(3), (6), and (8) to increase citizen participation in the operation of the program.

Sections 209 and 210 amend section 223 (g) and 241(c), technical amendments.

Section 211 amends Title II, Part D, Administrative Provisions, in four ways:

(1) It provides a five-year authorization with an appropriation level of $200 million for each of fiscal years 1981, 1982 and 1983 and $225 million for each of fiscal years 1984 and 1985, section 261(a).

(2) It requires that appropriated funds not obligated by the end of each fiscal year shall revert to programs funded under the Runaway and Homeless Youth Act, by January 1 of the next fiscal year, section 261(a).

(3) It requires that maintenance of effort funds, 19.15% of the total appropriation of Title I of the Justice System Improvement Act, shall be targeted for programs aimed to curb violent crimes committed by juveniles, namely: murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation, section 261(b).

(4) It requires the Administrator of OJJDP to implement and be responsible for section 261(b).

Section 212 amends section 262, to provide adequate administrative support for the Office.

Section 213 amends section 263 to require that amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect on the date of enactment.

Sections 301, 302 and 303 amend Title III of the Act to reflect the 1977 Act's homeless youth program authority.

Section 304 amends section 311 to authorize the Secretary to make grants to link runaway and homeless youth with their families and service providers through the use of a National hot-line telephone network.

Sections 305 and 306 amend sections 315 (a), (b)(3) and section 316(1) to reflect the 1977 Act's homeless youth program authority.

Section 307 amends Title III, Part B, Authorization of Appropriations, to provide a five-year authorization with an appropriation level of $25 million for each of fiscal years 1981, 1982 and 1983 and $30 million for each of fiscal years 1984 and 1985.

Sections 401 and 402 amend Title 5 and Title 18 of the United States Code, technical amendments.

Section 403 amends section 1005 of the Justice System Improvement Act of 1979, a technical amendment.

Section 404 amends the Act to carry out the delegation of authority for the Administrator of the Office.

EXCERPTS FROM THE ANNUAL REPORT OF THE RUNAWAY AND HOMELESS YOUTH ACT/HEW

The 1976 Annual Report addressed questions of concern with regard to the runaway youth problem in the Nation. The National Statistical Survey documented the runaway youth problem as being extensive, persistent, and a result of multiple causes which explain its nature and incidence. The Survey found that approximately 733,000 youth ages 10 to 17 leave home annually without parental permission for at least overnight. A major contributing factor to youth leaving home was that of family conflict.

In addition, the Survey presented evidence that large numbers of homeless and neglected youth often go unserved by the traditional social service agencies. Two priority areas were identified in which continued efforts were required to further strengthen the programs funded under the Runaway Youth Act.

These two objectives were (1) Service Delivery—to continue programmatic efforts designed to improve the service and administrative capability of the funded runaway youth projects to deliver effective services to runaway youth and their families; and (2) Research and Evaluation—to continue research efforts into the problems and special needs of runaway youth, the causes and complexities of runaway behaviour, and to conduct a national evaluation of the projects funded under the Runaway Youth Act.

In the 1977 Annual Report, the Department reported more fully on the characteristics of the National Runaway Youth Program and several important conclusions were reached:

The runaway youth projects are serving a greater proportion of "vulnerable youth" as defined by the variables of age, sex, and situational status;

The runaway youth projects are increasingly becoming utilized as a resource by youth and families in crisis, of which the actual event of running away from home is only one symptom of the problems that are being experienced;

Projects funded under the Runaway Youth Act are providing more comprehensive services to runaway youth and their families than in the past; and the nature of the runaway youth problem is more complex, longer term and severe than just being on the run;

The projects funded under the Runaway Youth Act are rapidly becoming legitimate and stable members of the social service system and are providing more than temporary shelter and crisis counseling within their facilities;

Runaway youth are staying closer to their home communities during the runaway episode;

There are growing needs for expanded aftercare services, (intermediate and long-term care) because many of the youth have family related and long standing unresolved problems;

There are an increasing number of homeless youth who are seeking services from the runaway youth projects.

On the basis of these findings, the Department recommended: that priority should be given to the further development of aftercare services for runaway youth; that there should be exploration into the development of expanded services in local runaway centers; that intergovernmental relations should be developed to facilitate these services; and that the network of the runaway service delivery system in local communities should be expanded.

During FY 1978 three significant events occurred. First, with reauthorization of the Runaway Youth Act, an amendment was included which called for the transfer of the National Runaway Youth Program from the Youth Development Bureau of the Department of Health, Education, and Welfare to the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice or the ACTION Agency. Secondly, House of Representatives Oversight Hearings were conducted on the administration of the Runaway Youth Act by the Department of Health, Education, and Welfare; and third, the Government Accounting Office was directed to review the administration of the Runaway Youth Act with the Department. The GAO report focused on the following areas:

The general management and administration of the Runaway Youth Act by the Administration for Children, Youth and Families;

The adequacy of the program evaluation conducted by the Administration for Children, Youth and Families to determine its strengths and weaknesses;

The disposition of children sheltered by the runaway programs supported in whole or in part by program funds, and

The extent to which the program has reduced the involvement of runaways in the formal juvenile court system.

On March 7, 1978, House Oversight Hearings were conducted and the General Accounting Office report was presented. While the report revealed several problems, the administration of the National Runaway Youth Programs remained with the Department of Health, Education, and Welfare.

The 1978 Annual Report to Congress reviews the findings and conclusions of the 1976 and 1977 reports and addresses the strengths and weaknesses identified by the General Accounting Office and the House Oversight Committee. The major focus and thrust of the Annual Report is on the identification of major issues and needs which will influence the future administration of the Runaway Youth Act by the Department. However, while this Report is designed to report on the status and accomplishments of the National Runaway Youth Program, it is also intended to document the activities conducted by the Department of Health, Education, and Welfare during Fiscal Year 1978 to strengthen and to administer the overall goals of the Runaway Youth Act.

The primary accomplishments of the National Runaway Youth Program in FY 1978 include:

Funding of 166 runaway youth programs which have provided services to over 32,000 runaway youth and their families located in 48 States, Puerto Rico, the District of Columbia and Guam;

Awarding of seven demonstration grants to Runaway Youth Act funded programs to enable them to more comprehensively address the needs of youth and families in crisis by expanding the range of services provided and the types of clients served;

Strengthening of the administrative structure within the Department of Health, Education, and Welfare to increase the capability for providing better services under the Runaway Youth Program;

Implementation of a Management Information System which is based on the Intake and Service Summary Forms within the Department designed to provide a data base of empirical information on runaway youth served by the programs;

Funding of the National Toll-Free Communications System to serve runaway, other homeless youth and their families;

Development of Intra- and Inter-Agency agreements for the purpose of expanding services under the National Runaway Program;

Development of model regulations, consistent with the Secretary's "Operation Common Sense," which eliminates insufficient and unnecessary reporting requirements, rules, and regulations within the Department; and

Identification of the National Runaway Youth Program as one of the foci for the Secretary's Major Initiative Tracking System which requires a quarterly review.

Based upon the data submitted by the programs on the clients served, and the results of program development and research efforts conducted by the Department, several conclusions can be drawn about the implementation of the Act. These conclusions are summarized below and discussed more completely in the overall report.

Most of the runaway youth programs have developed multiple service components addressing emerging needs of young people in the local community.

The runaway youth programs are serving a greater portion of vulnerable youth with long standing, unresolved family problems. The number of homeless or abandoned youth seeking services has increased.

The runaway youth programs are increasingly being utilized as a resource by both youth and families in crisis.

The runaway youth programs are becoming viewed as legitimate members of the community social service network and are being utilized by social service agencies and the law enforcement/juvenile justice system as a resource for youth and families.

Leaving home without parental permission continues to be a major problem for youth in this country. The National Statistical Survey on Runaway Youth conducted in 1975 found that approximately 733,000 youth leave home annually without parental permission. In addition, there has been increasing evidence of large numbers of homeless, neglected, and abused youth going unserved by traditional social service agencies. In order to more effectively meet the needs of these youth, the Runaway Youth Act authorizes the Secretary of the Department of Health, Education, and Welfare to make grants to local communities for the purpose of developing programs which deal primarily with the immediate needs of runaway and otherwise homeless youth, in a manner which is outside the law enforcement structure and juvenile justice system. Services provided must include temporary shelter, counseling, and aftercare services. The legislative goals of these grant programs are:

(1) to alleviate the problems of runaway youth;

(2) to reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) to strengthen family relationships and to encourage stable living conditions for youth, and

(4) to help youth decide upon a future course of action.

Through the implementation of these four legislative goals, the National Runaway Youth Program is impacting significantly on the lives of many vulnerable runaway and homeless youth and their families. Through its community-based projects the Runaway Youth Program served 32,000 youth and their families during FY 1978.

Through the National Runaway Youth Program, youth and families now have acces to a network of community-based service programs designed to address youth needs while they are away from home and to provide services for youth and their families on an aftercare bases as required. Further, the National Toll-Free communication system which is designed to provide a neutral channel of communications between, and a vehicle for reuniting runaway youth with their families, served 135,880 youth.

The Youth Development Bureau also has a responsibility to improve the administrative and organizational capabilities of runaway youth programs to plan and deliver services to runaway and otherwise homeless youth. To this end, YDB has developed a technical operations manual which presents 13 program performance standards integral to a program of services to effectively deal with the crisis needs of runaway and otherwise homeless youth.

YDB also provides, through a contract, technical assistance to local programs in the area of organizational development as well as short-term training to increase the information and skills of youth workers to deliver services within their programs. Additionally, YDB has responsibility to develop models for dissemination on the provision of specific services such as prevention, aftercare, and health services.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "Violent Juvenile Crime Control Act of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs (4) and (5) of section 102 of that Act are repealed.

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title."

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) A new subsection "(g)" is added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called "Scared-Straight" program or other similar programs, no later than December 31, 1980.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 205(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 204. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 205. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Justice System Improvement Act of 1979,".

(d) Section 223(a) of that Act is amended by striking out the last sentence.

(e) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(f) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 206. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 207. Section 225(b) (5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 208. Section 225(b)(6) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 209. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 210. Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

SEC. 211. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $200,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $225,000,000 for each of the fiscal years ending September 30, 1984, and 1985. Appropriated funds not obligated by the end of each fiscal year, shall revert to the Secretary for the purposes of Title III, no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act as amended by section 1002 of the Justice System Improvement Act of 1979 is amended by striking all after the last "appropriations" and inserting, "under the Justice System Improvement Act of 1979, for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 212. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

SEC. 213. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. (a) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway.".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "Sec. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.".

Sec. 265. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

Sec. 266. Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

Sec. 267. (a) Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $30,000,000 for each of the fiscal years ending September 30, 1984 and 1985.".

(b) Section 341(b) is amended by striking "Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "Justice System Improvement Act of 1979,".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

Sec. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

Sec. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

Sec. 403. Section 1002 of the Justice System Improvement Act of 1979 is amended by striking out all that appears after "title" and inserting the following: "for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.".

Sec. 404. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

BAYH JUVENILE JUSTICE REAUTHORIZATION BILL
PASSES SENATE

Congressional Record
United States of America
PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION
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Senate

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S. 2441

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside and that the Senate proceed with the other measure, S. 2441.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs 5 of section 103 of that Act is amended to read as follows:

"(3) the term 'Administrator' means the agency head designated by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended."

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

(d) Section 103(1) of that Act is amended by inserting "special educational," immediately before "vocational".

(e) Section 103(12) of that Act is amended by striking out "and" immediately after the semicolon.

(f) Section 103(13) of that Act is amended

(1) by inserting "special educational," immediately before "social"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and".

(g) Section 103 of that Act is amended by adding at the end thereof the following:

"(14) The term 'handicapping conditions' means the conditions described in the definition of the term 'handicapped children' in section 602(1) of the Education of the Handicapped Act (20 U.S.C. 1401).".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who will be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistancy Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) New subsections "(g)" and "(h)" are added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs no later than June 30, 1981.

"(b) The Administrator, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor no later than December 31, 1981. Such report shall contain recommendations regarding actions which should be taken, including suggested legislation, and shall address at a minimum, the nature and quality of juvenile programs on Indian reservations, the impact of Federal Government activities on such programs, the consistency of ongoing efforts with the objectives of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice relationships between Indian tribes and contiguous units of local government.".

Sec. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

Sec. 203. Section 207(c) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

Sec. 204. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

Sec. 205. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

Sec. 206. (a) Section 223(a) of the Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;".

(d) Section 223(a)(8)(B) of that Act is amended by inserting "special education," immediately before "or youth services departments".

(e) Section 223(a)(3)(C) of that Act is amended—

(1) by inserting "special education" immediately before "or social services for children"; and

(2) by inserting "and other handicapping conditions" immediately after "learning disabilities".

(f) Section 223(a)(15) of that Act is amended by striking out "mentally retarded and emotionally or physically".

(g) Section 223(a) of that Act is amended by striking out the last sentence.

(h) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(i) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968."

Sec. 207. Section 224(a)(11) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

Sec. 208. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Private Juvenile" for "Special Emphasis" each time it appears.

Sec. 209. Section 225(b)(5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

Sec. 210. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

Sec. 211. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration."

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

Sec. 212. (a) Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

(b) Section 241(d) of that Act is amended by inserting "and special educational" immediately after "other educational".

Sec. 213. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $100,000,000 for each of the fiscal years ending September 30, 1981 and 1982, $175,000,000 for the fiscal year ending September 30, 1983, and $200,000,000 for each of the fiscal years ending September 30, 1984 and 1985. Appropriated funds not obligated by the end of each fiscal year, shall be allocated directly to the States participating in the Act on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a)(12), no later than January 1, of the subsequent fiscal year."

(b) Section 261(b) of that Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under title I of the Omnibus Crime Control and Safe Streets Act of 1968, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This subsection shall be waived when the total appropriations for each fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed $100,000,000. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

Sec. 214. Section 262 of that Act is amended to read as follows:

"Sec. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

Sec. 215. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"Sec. 263. The amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

Sec. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

Sec. 302. Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway.".

Sec. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

Sec. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "Sec. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.

"(c)(1) In addition, the Secretary is authorized to make grants and to enter into contracts with governmental and nonprofit private agencies for the purposes of providing counseling and other services to meet the immediate needs of runaway or otherwise homeless youth, youth in trouble or in crisis, and the families of such youth, in a manner which is outside the law enforcement structure and juvenile justice system.

"(2) The Secretary may provide technical assistance and training to such agencies who receive grants or enter into contracts under this subsection.

"(3) The size of the grant or contract shall be determined by the number of such youth and families in the community and the existing availability of such services.".

Sec. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

Sec. 306. (a) Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

(b) Section 315 of that Act is amended—

(1) by inserting "(a)" immediately after "Sec. 315."; and

(2) by adding at the end thereof the following:

"(b) The Secretary is authorized to design the information instruments required to collect any information necessary to comply with the reporting requirements of this section, and to assess the need for, and to determine the effectiveness of, programs and services funded under this part.".

Sec. 307. Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, 1984, and 1985.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

Sec. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention.".

Sec. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

Sec. 403. Section 1002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"Sec. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15

per centum of the total appropriations under this title, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This section shall be waived when the total appropriations for each fiscal year under this title do not exceed $180,000,000. Implementation, including guidelines, of this section shall be the responsibility of the Administrator of the Office."

SEC. 406. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

Mr. BAYH. Mr. President, as chairman of the Subcommittee on the Constitution, Committee on the Judiciary, I urge the Senate to adopt the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 (S. 2441, as amended). This bill would extend the Juvenile Justice and Delinquency Prevention Act of 1974, including the Runaway Youth Act for 5 years, from fiscal year 1981 through fiscal year 1985. On May 7, 1980, the Committee on the Judiciary voted unanimously to report this bill favorably to the Senate. The cosponsors of S. 2441, as reported include Mr. Kennedy, Mr. Culver, Mr. DeConcini, Mr. Baucus, Mr. Mathias, and Mr. Dole.

Mr. President, this bill is designed to strengthen and stabilize our 6-year congressional commitment to the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) while at the same time mandating that the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has final accountability and responsibility for implementing the juvenile justice provisions of this act. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, also retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administrator of the Law Enforcement Assistance Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the 1974 act.

In 1974, the Congress established juvenile crime prevention as the Federal crime priority. The 1974 act was the product of a 4-year bipartisan effort, which I was privileged to lead, to improve the quality of juvenile justice throughout the United States and to overhaul the Federal response to juvenile delinquency. The 1974 act was passed by a vote of 88 to 1 in this body.

In 1977, the Congress, by a unanimous vote, reauthorized the Juvenile Justice Act for 3 additional years to stabilize and revitalize our juvenile crime program. The bipartisan nature of this act's support from 1970 to the present is reflected in the act's cosponsors in this body over the years—Mr. Hruska, Mr. Mathias, Mr. Cook, Mr. McClellan, Mr. Fong, Mr. Phillip Hart, Mr. Hugh Scott, Mr. Kennedy, Mr. Thurmond, Mr. Burdick, Mr. Gurney, Mr. Abourezk, Mr. Bible, Mr. Brock, Mr. Case, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hubert Humphrey, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Mondale, Mr. Cannon, Mr. Eastland, Mr. Culver, Mr. DeConcini, Mr. Hatfield, Mr. Leahy, Mr. Magnuson, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Stevens, and Mr. Heinz.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973, and S. 1021 on March 17, 1977.

The Senate Subcommittee to Investigate Juvenile Delinquency of which I was chairman, held extensive hearings that demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the terrible problems of the juvenile justice system which did not provide individual justice, effective help to juveniles, or protection for our communities. In particular, they repeatedly emphasized that large custodial institutions such as reformatories and training schools were nothing more than schools of crime, where juveniles learned the skills of the experienced criminal.

A clear consensus emerged supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to training schools for many youngsters. This consensus was further expressed by the National Advisory Commission on Criminal Justice Standards and Goals which recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provided additional support for the philosophy of the legislation that many delinquents, but especially noncriminal status offenders and neglected or dependent children, who had previously been institutionalized could be helped successfully in community settings.

During the early 1970's the hearings and investigations in Washington and throughout the country by the Subcommittee to Investigate Juvenile Delinquency (abolished in 1979 with the juvenile jurisdiction transferred to the Subcommittee on the Constitution) led me to two important conclusions.

The first is that our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble. The juvenile who took a car for a joy ride, or vandalized school property, or viewed shoplifting as a lark, was confronted by a system of justice often completely incapable of responding in a constructive manner.

However, during the late 1970's and this new decade, we have begun to build on our past experiences with the act making substantial progress not only at the Federal level, but especially at the State and local level. We intend that the Juvenile Justice Office be an advocate for the families and youth of our States, while at the same time protecting their human, constitutional and legal rights.

During our 3 days of hearings held March 20 and 27, 1980, over 40 witnesses provided testimony on three bills pending before the Judiciary Committee to reauthorize the act. Judge Carl Guernsey, president of the National Council of Juvenile and Family Court Judges testified that the act had a positive impact on lowering the increase of juvenile crime from an increase of 16 percent prior to 1974 to an increase of less than 1 percent from 1974 to the present.

In 1974 the act established a runaway youth program which was expanded in 1977 to include homeless, neglected and abused youth. This program provides temporary shelter and counseling for thousands of young runaways and other homeless youth and attempts to reunite these children with their parents. The Runaway Youth Act is retained and administered by HEW's Administration for Children, Youth and Families, Runaway and Homeless Youth Division. The Runaway Act is renamed the Runaway and Homeless Youth Act to reflect the act's homeless, neglected and abused youth program authority. S. 2441, as amended, also clarifies the Secretary's authority to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers.

Mr. President, the 1974 act has dramatically improved the Nation's programs for the prevention and treatment of juvenile delinquency, but we must continue these efforts if we are to benefit fully from the act's mandates. After careful study of the implementation of the 1974 act and 1977 amendments, the Committee on the Judiciary has made several changes to improve the effectiveness of the act.

The major changes recommended in S. 2441, as amended are:

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Associate Administrator. Congress fully intended in 1974 and 1977 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974.

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency on the implementation of the 1974 and 1977 Acts from 1975 through 1977 and the oversight hearings held in 1980 by the Committee on the Judiciary established that the Administrator failed to delegate sufficient authority for the Associate Administrator to fully implement this program. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances and to keep it operating as efficiently as possible, it is the Committee's view that mandated statutory support of the Office's Administration of the

Program will greatly enhance the future ability of the Office to implement the program as intended by Congress.

Therefore, the Committee Amendment specifically delegates authority regarding all administrative, managerial, operational and policy responsibilities for the Juvenile Justice and Delinquency Prevention Act to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. In order to insure effective implementation of this provision the legal advisor unit is reestablished in the Office.

Unobligated funds

A key provision in S. 2441, as introduced, required that appropriated funds under the Juvenile Justice Act, not obligated by the end of each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications were available to the Office of Juvenile Justice and Delinquency Prevention. Fortunately, in 1978 the three-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carryover. The Runaway Youth Act had not experienced any such problem. However, the Committee Amendment mandates that any unobligated Juvenile Justice funds shall be used to implement section 223(a)(13). Such funds will be allocated to the States participating in the Act on the basis of relative population of people under the age of eighteen.

The Committee is concerned that this important provision of the 1974 Act, which was intended to prohibit the placement of juveniles in any adult facility, including jails, has not been properly implemented. In fact, during the March hearings the Department of Justice revealed that six years after this section became law only ten States even report compliance with this mandatory provision. Of similar concern is that such disappointing progress relates to a standard of "sight and sound" developed by the Department of Justice, rather than the fuller prohibition intended by the 1974 Act. In that regard it was never intended that the words "regular contact" in Section 223(a)(13) allow less than full compliance, as does the "sight and sound" standard. The prohibition on "regular contact" was designed to allow commingling of juveniles and adults under specialized circumstances such as a short-term employment program in order to avoid costly duplication.

It is obvious to the Committee that much remains to be done to make the 1974 Act programs a reality. The allocation of unobligated funds for this worthy, but somewhat neglected objective is particularly appropriate.

Maintenance of effort

The Committee amendment retains the current provision of law that requires at least 19.15 percent of the total appropriation under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, be spent for juvenile delinquency programs, with emphasis on programs aimed at curbing violent crimes committed by juveniles. The Committee acknowledges that violent juvenile offenders should be given an increased focus, but given the comparable competing interests it was felt that requiring all of the maintenance of effort funds for this particular focus would be excessive. In addition, the Committee amendment waives the maintenance of effort provision when the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, does not exceed $100,000,000 during any fiscal year.

Citizen participation

The Committee Amendment improves the Act's citizen participation provisions. Under the Committee Amendment, the citizen groups, namely the State Advisory Groups, will work more closely with the State agency, prospective applicants and others interested in the Juvenile Justice program.

Reports and studies

The Committee amendment requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide a detailed evaluation of the scared-straight type programs for juveniles to the Congress by June 30, 1981. In addition, a study of juvenile justice and delinquency prevention policies, programs and practices affecting Native Americans is to be completed and submitted to Congress by December 31, 1981.

Title III—Runaway Youth Act Amendments

This program's title is amended by the Committee Amendment to reflect the 1977 Act's homeless youth focus. Thus, entitled the Runaway and Homeless Youth Act. The Committee amendment makes statutory the authority for the Secretary of Health, Education, and Welfare to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers. It further, expands the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of services. The Secretary will continue through the Administration for Children, Youth and Families to collect any information necessary to report on and assess the need for programs and services funded under this title.

The Committee bill authorized funding for title III at the same level as the 1977 Act of $25 million per year for each of five fiscal years, 1981 through 1985.

Juvenile Justice Act Authorization

If one merely looks at the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorization levels for this Act should be doubled or tripled. It is the responsibility of this Committee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively, timely and wisely. Therefore the Committee has suggested authorization levels that provide for the orderly growth of these programs over the next five years. As reported by the Committee, S. 2441, would authorize for each of fiscal years 1981 through 1985 levels of $150 million, $150 million, $175 million, $200 million and $225 million respectively.

The Committee further contemplates that the Subcommittee on the Constitution will pursue its oversight responsibilities in a vigorous manner so as to assure that the Office of Juvenile Justice and Delinquency Prevention expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 Act in order to secure complete implementation of the Juvenile Justice and Delinquency Prevention Act.

Mr. President, I strongly urge my colleagues in the Senate to adopt this legislation. The Juvenile Justice and Delinquency Prevention Act and these 1980 amendments will provide the stability so vital to the continuation of this congressional initiative. The 5-year extension, with the adequate funding provided, when coupled with full implementation of the provisions of the 1974 and 1977 acts will help address the current needs of our juvenile justice system. Although the amounts authorized to date have been very frugal relative to the task of each of the participating States, such resources provided in a stable, continuous fashion will do wonders to achieve the mandate of the 1974 act.

Mr. President, the Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private nonprofit interest groups are already beginning to redirect and increase their efforts. The Juvenile Justice Act has contributed to this progress.

I ask unanimous consent that two attachments be printed at this point in the RECORD, one a letter from the American Legion, dated March 27, 1980, and the second being a list of organizations endorsing the Juvenile Justice and Delinquency Act of 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., March 27, 1980.

Hon. BIRCH BAYH,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: The American Legion's longstanding concern over juvenile crime across the country was the basis for our support in 1974 of the Juvenile Justice and Delinquency Prevention Act. We believed then as we do now that the problem demands a comprehensive and coordinated approach at the federal level.

As you know, juvenile crime continues to be one of our most persistent social ailments. It, therefore, is essential that federal efforts be continued and that the Act be extended through reauthorization. We are pleased to learn that you have introduced S. 2441 which, if enacted, would provide for such reauthorization and we continue to support the maintenance of effort concept as part of any reauthorizing mandate.

The American Legion stands ready to assist you and every member of the Committee in this worthwhile endeavor.

Sincerely,

MYLIO S. KRAJA,
Director.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415, AS AMENDED BY 1977, PUBLIC LAW 95-115)

American Federation of State, County, and Municipal Employees.

American Institute of Family Relations.

American Legion, National Executive Committee.

American Parents Committee.

American Psychological Association.

B'nai B'rith Women.

Children's Defense Fund.

Child Study Association of America.

Chinese Development Council.

Christian Prison Ministries.

AFL-CIO Department of Community Services.

AFL-CIO, Department of Social Security.

American Association of Psychiatric Services for Children.

American Association of University Women.

American Camping Association.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescence Psychiatry
Association for Childhood Education International.
Association of Junior Leagues.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development, Audrey Rowe Colome, Chairperson Committee; Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
Boys' Clubs of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the U.S.A.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
New York State Division for Youth.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Westchester Children's Association.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.
Big Brothers/Big Sisters of America.
National Youth Workers Alliance.
National Council of Juvenile and Family Court Judges.
National Council of Criminal Justice Planners.
Youth Network Council.
American Bar Association.
American Civil Liberties Union.
National Juvenile Law Center.
National Coalition for Children's Justice.
Children's Express.
Children's Defense Fund.
Coalition for Children and Youth.

Mr. THURMOND. Mr. President, today, the Senate considers legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974.

The original legislation, the Juvenile Justice and Protection Act of 1974, was the first comprehensive Federal response to the problem of juvenile crime. I supported that legislation because I was deeply concerned about the rise in juvenile crime and the number of youths who were running away from their homes.

We have now had 6 years of experience with this legislation. It has been, I think, a rocky road. There are conflicting views throughout the country on how to respond to juvenile crime, how to separate status offenders from nonstatus offenders, and how much of the overall criminal justice resources should be devoted to this problem.

These problems are even more difficult to resolve now that we are in a period of budgetary restraint. Although this bill authorizes a total of $879 million over the next 5 fiscal years, it is clear from recent Budget Committee actions that funds for juvenile justice and criminal justice programs will be hard to come by through the appropriation process.

Mr. President, I hope that supporters of this program will understand these current funding realities. The LEAA program, for example, has been reduced substantially. The maintenance of effort provision of the Omnibus Crime Control and Safe Streets Act, which requires that 20 percent of LEAA funds also go to juvenile justice programs, should be suspended temporarily while LEAA funding levels are so low. Otherwise, juvenile justice will receive a disproportionate share of total criminal justice funding. I believe that, in a period of spending restraint, all components of the criminal justice system should share equally.

The Juvenile Justice and Delinquency Prevention Act of 1974 is scheduled to be funded at a $100 million level. I think that is adequate for the time being. This program has been successful in many States, but efforts to go too far too fast may hurt the program. For example, on the question of separating juveniles from adults in lockups and jails, a requirement that absolute separation be reached within a few years may be impossible to achieve.

Mr. President, although I support the concept of separating juveniles from adult offenders in jails and lockup facilities, the current separation on the basis of "sight and sound" seems to be an achievable goal. My own State of South Carolina has been able to achieve compliance with this requirement. Unfortunately, for a rural State like mine, a Federal requirement that there be complete separation—in separate facilities—of juvenile and adult offenders may be impossible to achieve in the immediate future. States are taking steps to correct this situation, but they should be encouraged to do so, not forced to do so under the threat of sanctions by the Federal Government.

Mr. President, I support this legislation and its objectives and urge my colleagues to approve it.

Mr. DOLE. Mr. President, I rise in support of this legislation that would amend the Juvenile Justice and Delinquency Prevention Act of 1974. This bill is similar to S. 2434, legislation that the Senator from Kansas introduced to extend the Juvenile Justice and Delinquency Prevention Act of 1974 through fiscal year 1984. That bill authorized $120 million in fiscal year 1981 and $120 million in each succeeding year for the programs that are created by the act. In addition, S. 2434 required that there would be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least, the average percentage of the 3 most recent fiscal years for which figures are available of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments.

MAINTENANCE OF EFFORT

An important aspect of the 1974 Juvenile Justice Act was the "maintenance of effort" provision. That law called for a set aside of 19.15 percent of all law enforcement assistance administration (LEAA) funding to be reserved for juvenile justice programs. This percentage was based on the ratio of LEAA expenditures for juvenile justice to the agency's total expenditures for fiscal 1971. The Senator from Kansas felt that it was time to carefully reexamine this ratio in the light of experience in its administration.

The Senate version of the Justice System Improvement Act of 1979 provided for the complete elimination of the maintenance of effort provision. S. 2434 did not go that far. Instead it attempted to develop a new formula based on the average percentage of the 3 most recent fiscal years of the total expenditures made for criminal justice programs by State and local governments.

AUTHORITY OF THE ASSISTANT ADMINISTRATOR

Under S. 2434, the Office of Juvenile Justice and Delinquency Prevention would have remained within the LEAA of the U.S. Department of Justice. The Assistant Administrator of LEAA would have continued to head the Office although he would have been under the policy direction and control of the Administrator of LEAA.

page: S5608-5609

COMPROMISE LEGISLATION

S. 2441 represents a good compromise between the concerns of Senator BAYH and the concerns of this Senator. In reviewing the original proposal that this Senator offered and S. 2441, there are only three major differences. These differences concern the role of the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the funding level, and the maintenance of effort provision.

In S. 2441 the Administrator of the Office of Juvenile Justice and Delinquency Prevention is given final accountability and responsibility for implementing the act. The funding level, in the legislation that we are reviewing today, is $150 million in 1981, $150 million in 1982, $175 million in 1983, and $200 million in 1984 and 1985. Under S. 2441, the 19.15 requirement for spending on juvenile justice programs will be waived when total appropriations for LEAA fail to exceed $150,000,000.

The Federal Government has a responsibility to continue its efforts to improve the quality of justice that is available to juveniles in this country. The problem of juvenile delinquency must continue to be dealt with in an effective and meaningful manner if the levels of juvenile crime are to continue their decline.

It is my hope that by extending the authorization for the Juvenile Justice and Delinquency Prevention Act of 1974, States and local governments, private and public organizations will have the assistance that is necessary to continue the development of practical approaches to the problems of youths that have become involved in the juvenile justice system. Juvenile crime and delinquency prevention must continue to be a top Federal, State, and local priority. It is clear to me that a major cause of this Nation's staggering crime rate is juvenile crime and violence. This legislation will deal with that cause.

The PRESIDING OFFICER. Who yields time?

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAYH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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Senate

(Legislative day of Thursday, January 3, 1980)

BAYH INTRODUCES, BY REQUEST, THE ADMINISTRATION BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

S. 2442

Office of the Deputy
Attorney General,
Washington, D.C., May 15, 1979.
The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: It is my pleasure to forward for your consideration a legislative proposal entitled the "Juvenile Justice Amendments of 1979."

This proposed bill would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and extend the authority of the Law Enforcement Assistance Administration to administer the Act, through its Office of Juvenile Justice and Delinquency Prevention, for an additional four years. The bill would provide continued funding to the Law Enforcement Assistance Administration to coordinate Federal juvenile delinquency programs and activities and to assist States, units of general local government, and private non-profit agencies, organizations and institutions in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The amendments proposed are few in number and are directed toward making improvements in the existing program. The amendments were drafted in anticipation of the enactment of the Justice System Improvement Act (S. 241 and H.R. 2061) during the current session of Congress. Because that Act would thoroughly restructure the existing program under the Omnibus Crime Control and Safe Streets Act, it is possible that a modification of this bill would be necessary after the enactment of the Justice System Improvement Act. The Justice System Improvement Act establishes the Office of Justice Assistance, Research and Statistics as the coordinating mechanism for the Federal justice system improvement program. The Office will be made up of three separate organizational entities responsible for the three major functional areas of financial assistance, research, and statistics. Under the new structure, the Juvenile Justice Act program will remain a part of the financial assistance program administered by the Law Enforcement Assistance Administration.

The legislative proposal would target additional attention and resources on the problem of the serious, violent, and chronic repeat delinquent offender. The bill begins with a finding that the juvenile justice system should give additional attention to this type of offender from apprehension through rehabilitation. New formula and Special Emphasis program authority is added through a series of amendments proposed in the bill that authorize a broad range of programmatic efforts directed toward this significant, but neglected, juvenile offender population.

The legislative proposal includes a number of amendments designed to strengthen activities to coordinate Federal juvenile delinquency efforts. The Federal Coordinating Council would be given staff capability to assist in carrying out its statutory duties. The Council would be responsible for reviewing and making recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies.

In order to increase representation of State advisory groups on the 21 member National Advisory Committee for Juvenile Justice and Delinquency Prevention, the proposal would require that the President appoint at least two State advisory group members to the Committee in each group of seven appointments.

The proposal would clarify the important Section 223(a)(12)(A) deinstitutionalization requirement of the Act through a definition of the term "juvenile detention or correctional facilities." The definition would prohibit the placement of juveniles who have not been charged with or adjudicated for offenses that would be criminal if committed by an adult in facilities that are secure or that are used for the lawful custody of adult offenders. This change, coupled with the Act's emphasis on the establishment of small community-based alternatives, should permit States to continue their progress toward full deinstitutionalization of noncriminal juveniles while at the same time freeing additional resources for the accomplishment of other important objectives of the Act.

The proposed bill continues the National Institute for Juvenile Justice and Delinquency Prevention. However, the Institute's authority in the area of basic research into the causes of juvenile delinquency would be removed. The basic research function would be performed by the National Institute of Justice under the Justice System Improvement Act.

Finally, the proposal would provide authorization of such sums as are necessary for Juvenile Justice Act programs in each of fiscal years 1981, 1982, 1983, and 1984. The submission of this bill underscores the Administration's continuing commitment to juvenile justice and delinquency prevention programming at the Federal level.

I recommend the prompt and favorable consideration of the proposed "Juvenile Justice Amendments of 1979." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress and that its enactment would be consistent with the Administration's objectives.

Sincerely,

Benjamin R. Civiletti,
Deputy Attorney General.

[illegible]

Mr. BAYH (by request) introduced the following bill, which was read twice and referred to the Committee on the Judiciary.

A bill to amend the *Juvenile Justice and Delinquency Prevention Act of 1974*, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "*Juvenile Justice Amendments of 1980*."

SEC. 2. Title I of the *Juvenile Justice and Delinquency Prevention Act of 1974* is amended as follows:

(1) Section 101(a)(4) is amended by inserting the words "alcohol and" after the word "abuse" and before the word "drugs".

(2) Section 101(a) is further amended by striking out the word "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of the serious juvenile offender, particularly in the areas of apprehension, identification, speedy adjudication, sentencing and rehabilitation."

(3) Section 103(7) is amended to read as follows:

"(7) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

(4) Section 103(12) is amended to read as follows:

"(12) the term 'juvenile detention or correctional facilities' means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders, and".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, Part A of such Act is amended as follows:

(1) Section 206(c) is amended by inserting at the end thereof the following new sentence: "The Council shall review and make recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council."

(2) Section 206(e) is amended to read as follows:

"(e) The Chairman of the Council shall, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the functions of the Council."

(3) Section 207(d) is amended by inserting after the second sentence thereof the following new sentence: "Each group of appointments for four year terms shall include at least two appointees who are members of a State advisory group established pursuant to section 223(a)(3) of this Act."

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, Part B of such Act is amended as follows:

(1) Section 223(a)(10) is amended by striking the word "and" before the words "to establish and adopt", and by inserting after "juvenile justice standards" the following words: ", and to identify, adjudicate and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender".

(2) Section 223(a)(10)(A) is amended by inserting after "rehabilitative service" the following: "including programs and services targeted to the treatment and rehabilitation of serious, violent, or chronic repeat juvenile offenders."

(3) Section 223(a)(10) is further amended by adding at the end thereof the following new subparagraphs:

"(J) projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets.

"(K) programs designed to identify and focus resources upon the serious violent, or chronic repeat juvenile offender;

"(L) special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders."

(4) Section 224(a)(10) is amended by striking the word "and" at the end thereof.

(5) Section 224(a)(11) is amended by striking the period at the end and inserting "; and" in lieu thereof.

(6) Section 224(a) is further amended by adding at the end thereof the following new paragraph:

"(12) develop and implement programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide resources necessary for informed dispositions of juvenile offenders."

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, Part C of such Act is amended as follows:

(1) Section 243(1) is amended by inserting the word "applied" after the word "coordinate".

(2) Section 243(5) is amended by inserting the word "applied" after the words "private agencies, such".

(3) Section 241 is amended by striking the words "Associate Administrator" and inserting the words "Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention" in lieu thereof.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 6. Title II, Part D of such Act is amended as follows:

(1) The first sentence of Section 261(a) is amended to read as follows:

"To carry out the purposes of this title there is authorized to be appropriated such sums as are necessary for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984."

(2) Section 261(b) is amended to read as follows:

"(b) In addition to the funds appropriated under Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, other than funds earmarked for research, evaluation and statistics activities, each fiscal year, at least 19 percent of the total appropriations for the Administration, for juvenile delinquency programs. The Administration shall provide an adequate share of research, evaluation and statistics funding for juvenile delinquency programs and activities and is encouraged to provide funding for juvenile delinquency programs over and above the 19 percent maintenance of effort minimum. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, subject to the review and approval of the Administration, shall publish guidelines for the implementation of this subsection."

(3) Section 261 is further amended by adding at the end thereof the following new subsection:

"(c) A reasonable amount of the total annual appropriation under this title shall be allocated and expended by the Administration for the purpose of planning and implementing joint interagency programs and projects authorized under Part A."

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice Amendments of 1980."

Section 2 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add additional findings and to modify two definitions.

(1) Section 101(a)(4) is amended to recognize that alcohol abuse is an increasing problem among juveniles.

(2) Section 101(a) is further amended to add a congressional finding that the juvenile justice system should give additional attention to the problem of the serious juvenile offender.

(3) Section 103(7) is amended to list the jurisdictions that qualify as "States" eligible for funding under the Act.

(4) Section 103(12) is amended to define the term "juvenile detention or correctional facilities," as this term is used in Section 223(a)(12)(A), in order to specify that juveniles who have not been charged with or adjudicated for offenses that would be criminal if committed by an adult may not be placed in facilities that are secure or, whether secure or non-secure, are used for the lawful custody of accused or convicted adult criminal offenders.

Section 3 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in three ways:

(1) Section 206(c) is amended to provide that the Coordinating Council review and make recommendations on all joint funding proposals undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council.

(2) Section 206(e) is amended to require that the Chairman of the Council, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the Council's statutory functions.

(3) Section 207(d) is amended to specify that at least two appointees out of each group of seven appointees to the National Advisory Committee for Juvenile Justice and Delinquency Prevention shall be current members of a State advisory group established under the Act.

Section 4 amends Title II, Part B of the Act through six separate provisions related to Federal assistance programs.

(1) Section 223(a)(10) is amended to add to the list of advanced technique program areas under the formula grant program those that identify, adjudicate, and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender.

(2) Section 223(a)(10)(A) is amended to include programs and services targeted to the treatment and rehabilitation of serious violent, or chronic repeat juvenile offenders to the listing of examples of advanced technique community-based programs and services.

(3) Section 223(a)(10) is further amended by adding three new subparagraphs that give further examples of advanced technique project activities related to serious juvenile offenders.

Subparagraph (J) authorizes projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets.

Subparagraph (K) authorizes programs that are designed to identify and focus resources on the serious, violent, or chronic repeat juvenile offender.

Subparagraph (L) authorizes the funding of special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders.

(4) Section 224(a)(10) is the subject of a technical amendment.

(5) Section 224(a)(11) is the subject of a technical amendment.

(6) Section 224(a) is further amended by adding a new paragraph that authorizes Special Emphasis prevention and treatment funding for programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide additional resources necessary to make informed dispositions of juvenile offenders.

Section 5 amends Title II, Part C of the Act through three amendments related to the National Institute for Juvenile Justice and Delinquency Prevention.

(1) Section 243(1) is amended to limit the scope of the Institute's research authority to applied research into all aspects of juvenile delinquency. Basic research into the causes of crime and delinquency will be conducted by the National Institute for Law Enforcement and Criminal Justice or its successor.

(2) Section 243(5) is also amended to specify that studies prepared by the Institute with respect to the prevention and treatment of juvenile delinquency shall be applied studies related to the development of effective programs and projects.

(3) Section 245 is amended to provide that the Institute Advisory Committee directly advise the Deputy Associate Administrator for the Institute.

Section 6 amends Title II, Part D of the Act, Administrative Provisions, through three amendments to Section 261.

(1) Section 261(a) is amended to provide a four-year authorization with an appropriation level of such sums as are necessary for each of fiscal years 1981, 1982, 1983, and 1984.

(2) Section 261(b) is amended to provide for changes in the required maintenance of effort of Crime Control Act funds for juvenile delinquency programs. The requirement is made applicable to all such funds except funds earmarked for research, evaluation and statistics activities. These latter activities must receive an adequate share of available funds. The maintenance of effort level is set at 20 percent and language added to encourage the Administration to provide funding for juvenile delinquency programs over and above the minimum 20 percent level. Guidelines for implementation of maintenance of effort shall be formulated by the Associate Administrator of OJJDP and, following review and approval by the LEAA Administrator, published in the Federal Register.

(3) A new section 261(c) is added to require that a reasonable amount of the total annual appropriation under Title II shall be allocated and expended for the purpose of planning and implementing jointly funded interagency programs and projects in accordance with the joint funding authority provided under the Part A Concentration of Federal Efforts program. ●

PART II.—ADDITIONAL STATEMENTS OF MEMBERS OF CONGRESS

Congress of the United States,
House of Representatives,
Washington, D.C., March 25, 1980.

Senator Birch Bayh,
Russell Senate Office Bldg.,
Washington, D.C.

Dear Birch: I am writing to you in anticipation of the Senate Judiciary Committee's hearing tomorrow on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. There is currently a provision in H.R. 6704, which would have the effect of abolishing the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) about which I have strong reservations. I think it is important to note that none of the three bills—S. 2434 (Dole), S. 2441 (Bayh), or S. 2442 (Administration)—pending before the Senate "Juvenile Justice and Delinquency Prevention Act."

Birch, as you will recall, it was as far back as 1969 that Senator Percy and I first introduced legislation to create an Institute for the Continuing Study of the Prevention of Delinquency. After a long struggle, in which you played a major role, the essence of that proposal was contained in the Juvenile Justice and Delinquency Act of 1974, which passed the Senate by a vote of 88–1, and the House by a vote of 329–20.

The National Institute for Juvenile Justice was created with the realization that juveniles represent unique problems and that accordingly there should be a separate, specialized entity to focus on their problems. I believe that the Institute, in its six year history, has had an impact far beyond its limited resources, while enjoying widespread support from numerous groups. I hope you will continue to support the Institute in its present form.

With every best wish, I remain,

Sincerely,

Tom Railsback.

Prepared Statement of Hon. Parren J. Mitchell, Representative From the State of Maryland

Mr. Chairman. I appreciate the opportunity to share my concerns with your Subcommittee as you move to address the problems of certain youth through Senate Bill 2434, the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980," which reauthorizes appropriations for Public Law 94–273, the "Juvenile Justice and Delinquency Prevention Act."

I am particularly pleased that the House version (H.R. 6704) specifically states that those programs under the aegis of the Juvenile Justice and Delinquency Prevention Act" . . . shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth." My concern, however, is that this language does not add enough clarity or strength to the facilitation of a greater focus of the Special Emphasis Prevention and Treatment Programs on Black youth. Let me share my views with you on the need for more substantive language in this area.

Sadly enough, there is concern among the National Association of Blacks In Criminal Justice, that the State Planning Agencies, to which grants are made available to provide assistance to State and local units of government for improvements on and coordination of their juvenile justice activities, have been insensitive to minorities and minority organizations. The grants process, and its techical requirements further serve to alienate minorities and other grass roots groups from adequate participation in the Juvenile Justice and Delinquency Prevention programs. According to Hallem H. Williams, Jr., Executive Chairman of the National Association of Blacks In Criminal Justice, the Office of Juvenile Justice and Delinquency Prevention offers very little, if any, technical assistance to these types of organizations. Williams stated in his recent testimony before the Senate Judiciary Committee that, "Apparently it is this Office's assumption that because a group or organization does not have in its employ a cadre of staff skilled in the art of grantsmanship they do not possess the wherewithall to deliver services for youths in ways which are senstive to the needs of Black youths and their families, and those of the system . . ."

The National Association of Blacks In Criminal Justice also finds that there is only an insignificant number of Blacks in policymaking or mid-level positions within the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This certainly is not feasible when the target population of the program is supposed to be minorities and poor youths.

It has been recently brought to my attention also that the OJJDP programs tend to benefit white middle-class youngsters more so than disadvantaged or minority children. This is so because most programs outside the scope of OJJDP are implemented by non-profit organizations that typically do not serve the urban minorities. Consequently, the poor, urban, minority youth must rely even more heavily on OJJDP programs. The failure of these programs to be responsive by providing effective rehabilitation for these youth, reinforces a policy directed toward the imposition of harsher treatment of juveniles, including lowering the jurisdictional age to make youth accessible to heavier judgments of the audit court.

If I may, I would like to refer to the recent testimony of Robert L. Woodson, Resident Fellow, the American Enterprise Institute for Public Policy Research, before the Senate Judiciary Committee. Woodson ended his testimony by citing ". . . a few briefs from the OJJDP budget . . ." which support charges that this Office and its programs have been unresponsive to blacks:

> A review of OJJDP's fiscal year 1980 plan indicates a continued indifference to the needs of minority communities, and shows a plan which ignores the needs of millions of American citizens for new and innovative ways to control and prevent youth crime.
>
> *Technical Assistance.*—Of the $5 million expended over a three year period, no money has gone to minority firms.
>
> *Research.*—Of the $37 million expended over a three year period (1975–79), not one minority individual college or university has received funds.
>
> *Status Offender Initiative.*—Less than 30 percent of the youngsters served were minority, despite the fact that the bulk of the OJJDP funds are spent in this effort.
>
> *Restitution Initiative.*—Of the forty-one programs funded, less than 20 percent served minority youngsters.

I am hoping that your Subcommittee will realize the dire need to incorporate stronger language into your bill so that the Office of Juvenile Justice and Delinquency Prevention programs may begin to forthrightly target more efforts toward the Black community. It is my understanding that proposed amendments may be presented for consideration by your body to correct discrepancies in this vital area. Please do not ignore the critical nature of these amendments as you continue to address youth problems.

PART III.—RESPONSES OF THE DEPARTMENT OF JUSTICE TO QUESTIONS SUBMITTED BY SENATOR BAYH

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
Washington, D.C., February 25, 1981.

MS. MARY JOLLY,
Staff Director and Counsel, Subcommittee on the Constitution, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MARY: This is in response to your request for information regarding Office of Juvenile Justice and Delinquency Prevention funding for projects relating to runaway youths, as well as the amount of funds going to private nonprofit organizations compared to units of government.

Enclosed you will find a computed printout listing 434 projects which have been supported with JJDP Act formula subgrants totalling $19,847,322 since fiscal year 1975. Please note that this state-reported data may not reflect all monies subgranted due to reporting delays and omissions. Also enclosed is a printout describing three projects which have received direct OJJDP support totalling $1,016,494. The number of runaway programs receiving direct support is small because we defer to the Department of Health, Education and Welfare, which has primary authority in this area pursuant to the Runaway Youth Act.

The following tables indicate the OJJDP awarded to private nonprofit organizations and local governments since fiscal year 1975:

JJDP AWARDS[1]

	Private nonprofits		Local governments	
	Categorical	Formula[2]	Categorical	Formula
Fiscal year:				
1975	$12,500	$1,111,343	$204,845	$3,900,536
1976	6,036,058	2,335,431	1,392,925	10,754,111
1977	6,922,222	5 112,458	5,602,167	19,050,789
1978	32,275,667	6,774,561	5,602,167	24,523,650
1979	20,275,667	3,680,912	2,076,218	13,404,309
1980 to date	1,101,385	----------	825,850	974,688
Total	66,483,696	19,014,705	10,102,005	72,608,083

[1] Information from Profile Computezired Information system.
[2] May not reflect all awards due to reporting delays or omissions.

SPECIAL EMPHASIS DIVISION PRIVATE NONPROFIT AWARDS

	Total dollars awarded	Total number of awards	Dollars to private nonprofits		Awards to private nonprofits	
			Amount	Percent	Number	Percent
Fiscal year:						
1975						
1976	$13,878,216	19	$6,432,336	46.3	10	52.6
1977	5,599,391	20	5,119,001	91.4	13	65.0
1978	21,492,750	39	16,121,639	79.7	31	79.5
1979	11,740,369	37	8,717,440	74.3	25	67.6
1980 to date	1,839,632	5	1,366,462	74.3	4	80.0
Total	54,550,358	120	38,756,878	71.0	83	69.2

NIJJDP AWARDS

	Universities		Local governments		Private nonprofits		Other	
	Amount	Number	Amount	Number	Amount	Number	Amount	Number
Fiscal year:								
1975	$2,195,371	8	$358,342	1	$224,291	2		
1976	4,750,124	24	869,880	3	1,962,696	11	$177,291	3
1977	2,287,262	11	517,253	2	3,485,837	12	75,102	2
1978	3,996,871	20	616,751	3	11,373,532	22		
1979	4,634,825	17	1,412,820	4	6,575,980	18		
Total	17,864,453	80	3,775,046	13	23,622,336	65	352,393	5

Please note that the total dollars for private nonprofit organizations in the summary chart are greater than the sum of the awards made by the Special Emphasis Division and National Institute. This is because some categorical awards were made with other funds, such a Concentration of Federal Efforts.

This data shows that there is a high level of commitment by OJJDP to involving private nonprofit organizations in the program. I am particularly pleased that over 70 percent of the Special Emphasis funds which have been awarded have been for the benefit of private nonprofit organizations, far in excess of the 30 percent required by the Act. These organizations will continue to be an important aspect of our efforts.

Sincerely,

IRA M. SCHWARTZ,
Administrator.

Enclosures.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON THE CONSTITUTION,
Washington, D.C., February 28, 1980.

Mr. HOMER F. BROOME,
Administrator, designate, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.
Washington, D.C.

DEAR ADMINISTRATOR BROOME: In preparation for our upcoming hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) the enclosed inquiries are solicited to assure that the current status of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is more fully understood.

There are several concerns that, however, are paramount. As you know, for the past six years we in Congress have attempted to guarantee that the OJJDP Administrator be provided a proper delegation of authority. Without reiterating, in detail, this frustrating effort this concern remains the single most important issue regarding OJJDP reauthorization.

When we last formally attempted to persuade the Agency to delegate the authority to OJJDP, we did so with caution and noted that we did "not believe it appropriate to legislate in excessive detail the management relationships and the authority and responsibility of the Juvenile Justice Office which must implement the program." This is indeed the preferred approach. In fact, I am very encouraged by the progress reflected in the February 12, 1980 reorganization that you have proposed. For the first time OJJDP has been given the organizational status envisioned by the 1974 and 1977 Acts.

I am particularly interested, however, in the delegation of authority which you have requested OJJDP to submit on or before March 11, 1980. If, when approved, it incorporates the authorities proposed for delegation by OJJDP in September, 1978, such action will have a major influence on this year's Juvenile Justice bill. In view of the importance of this issue, please contact me or Mary Jolly at the earliest possible date regarding your delegation of authority.

The other primary concern relates to the proper role of the State Planning Agencies and OJJDP special emphasis grants. Especially pertinent in this regard is our "Juvenile Justice Amendments of 1977," (Report No. 95-165, page 62). Naturally, as we each review the history and development of the Act one is reminded of the 1974 debates when the House of Representatives favored retention of the juvenile program in HEW and the Senate had selected LEAA for its placement. Many who opposed the LEAA option did so because of a concern that the law enforcement dominated SPA's would continue to stifle the funding of the human service-oriented delinquency prevention programs that are the heart of the Act.

In order to satisfy concern that these programs would not survive SPA review we established the special emphasis sections, separate and distinct, from the modified block or formula grant sections which are awarded directly to State governments. We did, however, provide language permitting OJJDP to solicit SPA comments, when appropriate, in Section 225. I would be particularly interested in how we can coordinate with the SPA's and still be consistent with the law. Your views would be appreciated on this aspect of the Juvenile Justice Act.

Lastly, I am especially anxious to receive responses to the various questions I raised at the December 16, 1979, Ira Schwartz nomination hearing. In particular the policies and practices of OJJDP relating to discrimination on the basis of sex, race, creed, color and national origin.

I request that the enclosed inquiries be replied to no later than March 21, 1980, so that I may review your findings prior to our hearings scheduled for March 26 and 27, 1980. Should there be any difficulty meeting this schedule, do not hesitate to call Ms. Jolly at 224-8191.

I appreciate your expeditious handling of these matters. Mary has discussed your concerns regarding the Juvenile Justice Act reauthorization, OJJDP, and other LEAA issues. I look forward to working with you on these and other issues of mutual concern in this Congress.

Sincerely,

BIRCH BAYH.

QUESTIONS REGARDING OJJDP

(February 28, 1980)

A. ISSUE: OJARS VS. OJJDP

1. To allow us to better understand the impact of the new OJARS legislation on OJJDP, please provide a detailed comparison of "pre" and "post" OJARS procedures regarding:

(*a*) The processing of an OJJDP grant from the receipt of application through award;

(*b*) The development and final approval of OJJDP program guidelines and regulations;

(*c*) The development and final approval of OJJDP Congressional testimony;

(*d*) The development and final approval of the OJJDP fiscal year 1982 budget request;

(*e*) The development and final approval of Juvenile Justice discretionary program priorities; and.

(*f*) The development and final aproval of responses to GAO reports relating to OJJDP.

B. ISSUES MAY 15, 1979 ADMINISTRATION BILL

1. What impact on the NIAAA budget and staff is intended by the suggested change in Section 101?

2. In several respects the Administration has proposed additional reference to "serious," "violent" and "chronic repeat" juvenile offenders. What precisely is the meaning of each?

3. The Administration's suggested change in the definition of "juvenile detention or correctional facilities" needs elaboration. How does its impact differ from current regulations? How many facilities and juveniles are affected by the new definitions? How does its impact compare with the changes proposed by the SPA Conference draft bill of 7-16-79? For example, are there cost differentials?

4. Several changes were suggested by the Administration in Section 206 which raise questions.

(*a*) Has the related joint funding section (§ 205) ever been used?

(*b*) What amount of discretionary funds is allocated for Concentration of Federal Effort (CFE) for fiscal year 1980? What amount is requested for fiscal year 1981?

(*c*) Why are funds, other than CFE funds, being planned for allocation for interagency projects and thereby reducing special emphasis funding for OJJDP action projects and continuations?

(*d*) The Breed Report of 1978, which was funded by LEAA, to carefully assess the role of the Council, recommended its repeal. Why was this approach rejected by the Administration?

(*e*) The OJJDP staff has been reduced from 61 to 41 positions. It seems premature to provide staff for the Council under such circumstances. What number of positions are planned to be allocated for the Council? If the Chairman rather then OJJDP Administrator, as under current law, appoints the staff, what would be the source of such funding? Is there a DOJ request for the positions and budget in the fiscal year 1981 budget?

5. Since the Associate Administrator is responsible to the operation of OJJDP and for the juvenile policy, what rationale supports the proposed amendment to Section 245, substituting the OJJDP Deputy for its Administrator?

6. In view of the Justice System Improvement Act of 1979 (JSIA) is it correct to assume that the Administrator's proposal to dilute the vital maintenance of effort section has been reconsidered and rejected? If not, please elaborate.

7. Regarding the proposed amendment to Section 261 that a reasonable amount be set aside for Part A (CFE) several issues are raised:

(*a*) Why not a specific percent of the appropriation as a minimum?

(*b*) If the OJJDP has budgeted $1 million for CFE, but plans to fund several CFE-type projects (e.g., HUD, HEW, Interagency Task Force on Youth) and thereby diluting alredy limited special emphasis funds, it would seem that an amount in addition to the $100 million fiscal year 1981 request is in order. Please comment and explain.

8. It is proposed that Section 224(a) be amended to assist in the gathering of information regarding serious and violent juvenile crime. What type of information is contemplated? Has a need been demonstrated for it? Is this not a matter for the OJJDP Institute rather than special emphasis?

9. It is proposed that Section 224(a) be amended to authorize three additional program areas. As you know, the Congress added sections (9), (10) and (11) in 1977 with the caveat that youth advocacy, restitution and alternatives to incarceration (children-in-custody) receive priority. What programs have been funded in these new areas? What allocation of funds has been made for fiscal year 1980 to support such programs? Will any of the requested fiscal year 1981 funds be allocated to such purposes?

10. In view of the Administration's fiscal year 1981 request of $100 million for OJJDP is it safe to assume that the Administration suggests at least that minimal level of funding for the next several years? If no, please explain.

11. The Administration's proposal would fragment the juvenile research effort by removing "basic" research, as distinguished from "applied", from the JJDPA and transferring such authority to the new NIJ. What is intended by the terms "basic" and "applied"? Additionally, please illustrate the distinction by categorizing OJJDP research grants in fiscal years 1978, 1979 and 1980 as either "basic" or "applied." Lastly, comment on the Attorney General's 10-12-79 speech characterizing the proposed reauthorization bill as continuing and expanding OJJDP's efforts relative to "casual links between behavior and other factors. . . ."

12. In view of the proposed reduced responsibilities of the OJJDP Institute, namely the elimination of basic research, why does the fiscal year 1980 program plan retain 11 percent of the OJJDP appropriation for this diminished unit?

C. ISSUES: OJJDP PROGRAM PRIORITIES AND MANAGEMENT

1. At the mid-point of fiscal year 1980, Youth Advocacy, Alternative Education and New Pride, which were all launched in 1978 or early 1979, have not been completed. Likewise, it appears that even the rates of obligation of both formula and Institute funds have substantially regressed.

Please provide a precise and realistic time table for award of your fiscal year 1979 and fiscal year 1980 funds. Additionally, provide your plans for allocating the anticipated fiscal year 1981 level of funds, including a time table for awards.

2. Please include an update of the final fiscal year 1980 subprogram allocation accompanied by a detailed explanation of each component. For example, $6.138

million is allocated to a program entitled "Capacity Building". Please provide the Committee with an update on the Capacity Building Initiative.

3. (*a*) What percent of fiscal year 1980 OJJDP formula funds, was awarded by March 1, 1980?

(*b*) What percent, of the formula grants, was awarded by March 1, 1980?

(*c*) What percent, of the total JJDP discretionary funds, was awarded by March 1, 1980?

(*d*) What percent, of available Crime Control Act/OJJDP funds, was awarded by March 1, 1980?

(*e*) What total JJDP discretionary funds, was available to OJJDP on October 1, 1979? What amount was awarded by March 1, 1980?

(*f*) What total CCA discretionary funds was available to OJJDP on October 1, 1979? What amount was awarded by March 1, 1980?

4. Please provide an updated organizational chart for OJJDP, with the existing (March 1, 1980) number and grade of full-time permanent staff positions and a listing of vacancies by position and grade.

5. It appears that the OJJDP staff was substantially reduced since May 1979. In fact, it has been reported that the entire Policy, Planning and Coordinating Unit, established in January 1978, has been abolished and the legal staff was likewise eliminated. What rationale underlies these steps?

6. As of March 1, 1980 how many new noncontinuation JJDP grants have been awarded by OJJDP? What dates were they awarded? For what purposes?

7. How many new noncontinuation JJDP grants will be awarded by OJJDP in fiscal year 1980

8. What percent of the total DOJ fiscal year 1981 budget is allocated to OJJDP? What percent of the DOJ fiscal year 1981 positions is allocated to OJJDP?

9. It is our understanding that the OJJDP carryover from fiscal year 1979 in fiscal year 1979. Please provide a detailed assessment of carryover by fiscal amounted to nearly $27 million or 40 percent of the discretionary funds available in fiscal year 1979. Please provide a detailed assessment of carryover by fiscal year since the establishment of OJJDP distinguishing Crime Control Act from Juvenile Justice Act funds and carryover by OJJDP unit. Additionally, provide obligation information as a percent of total discretionary funds available to OJJDP for fiscal year 1980 by unit and by type of funds and number of grants or contracts for the first two quarters of fiscal year 1980. Also, provide a realistic, detailed obligation forecast, by discretionary funds, by quarter, for the remainder of fiscal year 1980; indicating the number of grants, cooperative agreements, or contracts, and amount for each, and the nature of funds by award and unit.

10. What amount of reverted formula grant funds will OJJDP receive during fiscal year 1980? For what purpose(s) and when are the funds scheduled for obligation? Additionally, what portion, if any, of the "'reverted" monies are fiscal year 1980 or fiscal year 1979 dollars?

11. How many discretionary grants are being processed by OJJDP as of March 1, 1980? Of these, what number and percentage are accounted for by Project New Pride or others to be funded with Crime Control Act dollars?

12. There seems to be tremendous confusion as to which OJJDP policy applies to the implementation of Section 228(a), the continuation of funding section of the JJDPA. Please provide the basis for granting or denying continuation funds in the past and what policy will be followed in the future.

> (*a*) The method(s), if any, by which continuation policy(ies) was/were announced or provided to the juvenile justice community: and,
>
> (*b*) The relevance, if any, of LEAA Instruction I 4510.2 (September 14, 1979) to any of the concerns raised hereinabove. Does there exist, today, any LEAA policy which is inconsistent with 228(a)?

13. What percent of special emphasis funds was awarded to private non profit agencies, organizations or institutions during fiscal years 1975 through 1979? What percentage is planned for fiscal year 1980. Naturally, this inquiry includes all such funds not solely those recommended for award by the Division of the same name, but the inquiry is limited solely to JJDPA funds.

14. How often and for what purposes has LEAA awarded contracts of special emphasis and Institution funds?

15. In 1977 the Congress amended the JJDPA to authorize the Council to review the programs and practices of Federal agencies and report on the degree to which Federal Agency funds are used for purposes which are consistent or inconsistent with the mandates of Section 223(a) 12(A) and (13). Our 1977

Report at page 54 stressed the importance of knowing whether the Federal Government is supporting these important cornerstones of the JJDPA. Can you report to us on the progress of the Council in carrying out its mandate under these sections?

16. In times past, the LEAA General Counsel has held that the OJJDP head was not within the definition of "Administration" under LEAA. Is this presently the case in the instance of LEAA? OJARS?

17. Is there a written DOJ policy/procedure in response to White House inquiries regarding OJJDP grants, cooperative agreements and contracts or policies? If so, please submit and explain.

18. As you know, one of the major recent improvements in OJJDP was the acquisition by OJJDP of the Juvenile Formula Grants Program in the summer of 1977 when it and the "sign off" were transferred from OCJP, LEAA and delegated to the OJJDP head. Can you explain to the Committee whether or not the present Administrator of OJJDP is, in fact, given the responsibility for the Juvenile Formula Grants Program?

19. Provide a state-by-state update on measures taken to implement Section 223(a)17 which was designed to protect any employees impacted by sections 223(a) 12 and 13.

20. Provide a state-by-state report and explanation of the various methods approved by OJJDP to implement section 223(a) (14), monitoring of jails, detention facilities, correctional facilities and non-secure facilities.

21. What percent of the maintenance of effort (MOE) funds allocated by the states were used to implement Sections 223(a) (12); 223(a) (13); and 223(a) (14)? Please provide a state-by-state breakdown.

22. Please provide, on a fiscal year basis, a state-by-state report on the amount of JJDPA funds deobligated by OJJDP, since the Act became law.

23. Please provide, on a fiscal year basis, a state-by-state allocation of MOE funds, indicating the general categories, projects and dollar amounts.

24. Please provide for the New Pride, Youth Advocacy and Alternative Education Programs the dates that guidelines were:

(*a*) Submitted by OJJDP for internal clearance and the dates such clearance was completed;

(*b*) Submitted by OJJDP to the LEAA Administrator; and

(*c*) Published by LEAA in the Federal Register.

25. As you know, the states received a Children-in-Custody supplement in 1978. Please provide a state-by-state allocation of these funds, indicating amounts and projects obligated to date.

26. It has been reported that several states have not submitted fiscal year 1980 plans. Please explain to the Committee what the current policy is in terms of termination of funds in such instances.

27. If it is true, that even in the processing of technical assistance by OJJDP all requests for assistance must be submitted to the SPA in question, please explain the rationale for such a policy.

28. Please explain whether LEAA or OJJDP may exercise the final decision in terms of termination of formula grants. Additionally, please provide any other limitation on the authority of OJJDP in the instance of the formula grants.

29. What happened to the OJJDP Children-in-Custody, Part II, program approved by James Gregg, designed to provide incentive grants to assist with compliance of sections 223(a) (12) and (13)? (See Federal Register, 7-27-78).

30. A major OJJDP Initiative "Target-Youth Violence" was announced at the 1979 mid-year convention of State and local criminal justice planners. Please provide the Committee with the current progress of this Initiative.

31. Under the 1977 Amendments, planning and Administration funds were cut by 50 percent to 7½ percent of the State allotment effective October 1, 1978. Please provide a state-by-state allocation for such funds for fiscal year 1979 and for all formula grants approved to date in fiscal year 1980. Additionally, provide state-by-state information on juvenile justice staff, amount and type of support provided each SAG. For example, it is our understanding that in addition to regular staff the California-SPA juvenile staff is composed of 10 full-time staffers detailed from the California Youth Authority.

32. Please provide the following information as of May 1, 1979 for each OJJDP Division:

(*a*) The name, number and amount of each grant, cooperative agreement or contract: (1) awarded; (2) awaiting LEAA administrator approval;

(3) pending with the LEAA Grant and Contract Action Board; and, (4) forwarded to the LEAA office of Comptroller by OJJDP.

Additionally, provide the date and amount of each final award and the type of funds for all included grants and contracts.

33. Please provide an update of the "Categorical Grants for OJJDP" printout, including all of fiscal year 1979 and all awards as of March 1, 1980.

34. The Agency recently provided fund flow data through February 1, 1980. Lists were provided for each OJJDP unit indicating the grant number, the award amount and the expenditures to date. Additionally, please provide the following:

(a) The date of each award;

(b) The date OJJDP forwarded them to the Office of Comptroller; and,

(c) The number and total dollar amount of JJDPA and Crime Control Act grants by calendar and fiscal years, through March 1, 1980.

35. Please provide a history of the OJJDP Administrative Budget, and its relationship to the total LEAA Administrative Budget.

36. Please provide a list of all current OJJDP discretionary grants by Division and monitor.

37. Please provide all memoranda relevant to the implementation of the MOE requirement for fiscal year 1980 and 1981 and to the development of MOE regarding all of OJARS for fiscal year 1982. Indicate the amounts involved by category (e.g. BJS, NIJ, Management and operations, etc.).

Indicate the role of OJJDP in the MBO process and allocation and monitoring of these funds. Additionally, provide an explanation of the $5 million designated MOE under the new part E funds as indicated on page 14 of the December 1979 monthly management brief.

38. Do the OJJDP financial guidelines require that eligibility for special emphasis funding be contingent on a private non-profit group having obtained an IRS tax-exempt status at least two years prior to the date of award? If so, please explain.

39. It has been reported that OJJDP has completed final selection of grantees for the Youth Advocacy Initiative. Of the total number of applications how many were fundable? What amount was requested by these fundable applicants? What amount is intended to be awarded to the few applicants selected? Of this total, what amount will actually be awarded in fiscal year 1980?

40. Why is not the Department of Justice recommending that the Delinquency Research components of the Center for the Study of Crime and Delinquency (NIMH) be transferred to NIJ?

41. What portion of the fiscal year 1981 requests for BJS and NIJ are set aside to comply with the MOE provisions?

42. It has been reported that the Alternative Education guideline requires the approval, by relevant school superintendents, of applications submitted by private non-profit organizations. If so, please explain.

43. OGC has held that section 527 (new JSIA section 820(a)) cannot be construed to provide authority to approve or disapprove an LEAA grant. Why not? What about program plans or guidelines? Please explain. Let us suppose that LEAA was about to fund a standards project that was inconsistent with section 223(a)(13) of the JJA. What then are the appropriate roles for OJJDP?

44. In the summer of 1979 an LEAA audit of the OJJDP and OCAC grantees found that LEAA guidelines provide little financial or programmatic assistance to non-profit organizations because the guidance in these LEAA directives is directed principally to grant awards made to units of government. In fact, the audit found that these grantees were thus unaware or confused about LEAA fiscal and administrative requirements. Please report on the steps taken to date by OJJDP to remedy these bitterly ironic injustices.

45. What, if anything, is OJJDP doing to assess whether the Federal Bureau of Prisons is engaging in practices inconsistent with sections 223(a)(12) and (13)? Additionally, when such practices are identified, what procedures have been developed to alert the BOP and to remedy the situation?

46. Name the states, other than California, that are not in compliance with section 223(a)(13). What steps have OJJDP taken to encourage compliance?

47. We understand at a minimum, that DOJ recommended to the White House a $135 million to $140 million cut in the OJARS fiscal year 1981 budget. What effect will this have on the fiscal year 1981 OJJDP budget? What reduction in MOE funds will be experienced under the DOJ proposed reduction? What recommendations, if any, have the DOJ made for additional reduction in OJARS positions? Similarly, explain any impact on OJJDP.

D. ISSUE: MISCELLANEOUS DOCUMENTATION

Please provide the following:

1. The "Helen Lessin" Management Task Force Report.
2. The evaluation of the ADL Technical Assistance Contract.
3. The evaluation of the Westinghouse Technical Assistance Contract.
4. The OJJDP grants awarded to the State Planning Agency Conference in 1979 and all progress, quarterly reports.
5. The evaluation of the OCACP Project "House of Umoja" Contract.
6. The evaluation of grant (79–N10AX00072) awarded to the University of Chicago to study the impact of the New York State juvenile violence statute.
7. The OAI Reports regarding the review of 185 OCACP and OJJDP grants referred to at page 55 of the September, 1979 Management Brief.
8. A copy of each OGC legal opinion and advisory memorandum regarding the JJA, the relevant position of the CCA and the operation of policies of OJJDP.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., March 21, 1980.

Hon. BIRCH BAYH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BAYH: On March 11, we received from you a letter requesting responses to some 47 questions concerning the Juvenile Justice and Delinquency Prevention Act. In an effort to try to meet your request for a response by March 21, we have marshaled resources of many Office of Juvenile Justice and Delinquency Prevention personnel and other individuals from LEAA. Many individuals have dedicated much of their efforts over the past two weeks to the preparation of this material. We are hopeful that it responds to your concerns.

In addition, you raised in your letter to me three other questions. You were concerned about the delegation of authority to the Director of the Office of Juvenile Justice and Delinquency Prevention. You also raised that question in connection with my confirmation hearing, and I indicated in my written response that I would ask Ira Schwartz to prepare a delegation of authority. I will be reviewing that delegation and discussing it with him when it is completed.

You also raised an issue in connection with coordination with State planning agencies OJJDP programs. I feel that coordination is important and that the State planning agencies, now Criminal Justice Councils, should not have authority to veto programs proposed by OJJDP. I feel that consideration of SPA views is consistent with the statute as long as their views are considered only as comments or recommendations and not as the basis for decisions to approve or disapprove grants.

The last issue you raise concerned Ira Schwartz's responses to questions you submitted to him in connection with his confirmation hearing. I understand that those responses have now been submitted to you.

I want to close by once again indicating my strong commitment to the programs administered by OJJDP. I feel that these programs are extremely important and will make every effort within my authority to assure that those programs are implemented effectively.

Sincerely,

HOMER F. BROOME, Jr.,
Acting Administrator.

A. ISSUE: OJARS vs. OJJDP

Question A.1. To allow us to better understand the impact of the new OJARS legislation on OJJDP, please provide a detailed comparison of "pre" and "post" OJARS procedures regarding:

Response. The Justice System Improvement Act establishes the Office of Justice Assistance, Research and Statistics (OJARS); a new Bureau of Justice Statistics (BJS); the National Institute of Justice (NIJ); and a revamped Law Enforcement Assistance Administration (LEAA). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) remains a distinct and separate unit within LEAA.

The Act continues essentially unchanged the previous relationship between LEAA and OJJDP. OJJDP is placed within LEAA, yet it is assured significant stature and visibility. All LEAA juvenile justice programs are subject to the policy direction of the Administrator of OJJDP, and maintenance-of-effort provisions are retained.

The Justice System Improvement Act requires the directors of the NIJ and BJS to work closely with the Administrator of OJJDP in developing and implementing juvenile justice programs. The OJJDP Administrator is a statutory ex-officio member of the Advisory Boards of the BJS and NIJ.

OJARS provides staff support to and coordinates the activities of the BJS, NIJ and LEAA. As reflected in the February 12 reorganization proposal, to a great extent staff functions (such as grants management, planning, congressional liaison and audit) will be assigned to BJS, NIJ and LEAA, along with personnel presently performing those functions. Thus, responsibility and resource will be concentrated in these offices, not in OJARS. OJARS will perform those staff services that are mandated by the statute (such as civil rights compliance) and that if replicated would create duplication and inefficiency.

In regard to the specific questions raised comparing "pre" and "post" OJARS procedures, the answers follow:

(*a*) As stated above, the JSIA essentially continues the previous OJJDP and LEAA relationship. Final grant and contract approval authority rests with the LEAA Administrator. He may, however, choose to delegate such authority to the Administrator of OJJDP.

In terms of grant processing, again no changes are anticipated. OJJDP will continue to review applications, to determine whether or not they comply with program guidelines, and to recommend funding. An LEAA grants management division, as proposed in the February 12 reorganization plan, would provide budget reviews of applications, and administratively process grants and contracts.

OJARS plays no role in grant and contract activities of the BJS, NIJ and LEAA.

(*b*) As before, OJJDP regulations and program guidelines will be developed by OJJDP and approved and issued by LEAA. Regulations and guidelines will be subject to normal review and comment procedures in accordance with Executive Order 12044 and agency policy.

(*c*) OJJDP Congressional testimony will be developed by OJJDP with appropriate input from other offices, and reviewed and approved by the LEAA Administrator.

(*d*) Once again, there is essentially no change. OJJDP will prepare a fiscal year 1982 budget request that will be reviewed and approved by the LEAA Administrator. OJARS will coordinate the development of a consolidated budget request from LEAA, BJS, NIJ and OJARS and submit it to the Department of Justice for its review and approval.

(*e*) OJJDP develops priorities for its Special Emphasis program that are reviewed and approved by the LEAA Administrator. OJJDP also develops juvenile justice-related priorities for funding from Part E (National Priority Grants) or Part F (Discretionary Grants) of the JSIA. In this case, program priorities recommended by OJJDP must be jointly approved by the LEAA Administrator and the Director of OJARS.

(*f*) OJJDP is responsible for commenting on GAO reports relating to OJJDP. Formal responses to such GAO reports are the responsibility of the Assistant Attorney General for Administration of the Department of Justice.

B. ISSUE: MAY 15, 1979 ADMINISTRATION BILL

Question 1. What impact on the NIAAA budget and staff is intended by the suggested change in Section 101?

Response. The Administration bill proposes to add to the finding on drug abuse as a problem for young people a recognition of the increasing abuse of alcohol by juveniles. We do not anticipate any impact on the NIAAA budget and staff by this change in the finding. Rather, it should be viewed only as paving the way for coordination between OJJDP and NIAAA and, perhaps, consideration of joint funding efforts in the future.

Question 2. In several respects the Administration has proposed additional reference to "serious," "violent" and "chronic repeat" juvenile offenders. What precisely is the meaning of each?

Response. The Department of Justice Task Force on Reauthorization reviewed data from several studies indicating that a small proportion of juvenile offenders account for an extremely large volume of serious and violent juvenile crime. The identification and treatment of this small but dangerous group of youth presents both policy and program difficulties. The objective is to deal with this population in an effective manner, yet in a way that does not widen the net of the system to include a substantial number of youth who do not need the same degree of attention and control as the most serious offenders.

The Task Force recommended amending the Act to specifically make these offenders a primary target. Among the approaches to be pursued under the amendments are the following:

(1) additional basic research to precisely define the intended target population;

(2) careful development and testing of programs for the most serious offenders and for violent offenders;

(3) development of standards for programs;

(4) a focus on programs to supplement or improve the law enforcement and juvenile justice system's responses to serious offenders;

(5) community-based programs to deal specifically with serious offenders in a probation or parole setting; and

(6) improved data and information concerning serious offenders in the justice system.

Question 3. The Administration's suggested change in the definition of "juvenile detention or correctional facilities" needs elaboration. How does its impact differ from current regulations? How many facilities and juveniles are affected by the new definitions? How does its impact compare with the changes proposed by the SPA Conference draft bill of 7-6-79? For example, are there cost differentials?

Response. The curernt JJDP Act statutory language defines the term "correctional institution or facility" in Section 103(12) as:

> . . . any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses;

The Administration's suggested change in Section 103(12) is to define the term "juvenile detention or correctional facility" as:

> . . . any secure public or private facility used for the lawful custody of accused or adjudicated juvvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders;

The current OJJDP regulations, as published in the September 27, 1979, Federal Register, define a juvenile detention or correctional facility as:

> (a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders; or
>
> (b) Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders.

The Administration's proposed change and the current guideline language are identical. The Administration's recommendation to change the definition is to create consistency between the guideline definition and the statutory definition. The guideline definition has undergone a detailed, arduous critique and analysis by private organizations, public agencies, the SPA's and OJJDP. It has been reviewed and modified to the extent it is now fine-tuned to the thrust of the Act and almost without exception meets the satisfaction of all the public and private agencies and organizations.

In response to the concern as to how many facilities and juveniles are affected by the definition recommended by the Administration, the answer is absolutely none. The Administration's proposed statutory definition is exactly the same as the current definition within the regulations.

In response to the impact of Administration proposed change as compared to the SPA conference proposed change, again the answer is none. The exact number and same facilities defined as juvenile detention or correctional facilities under the Administration's definition would be defined as secure detention or correctional facilities within the SPA conference's definition. This is true with one minor exception—that being the Administration's proposal would include non-secure facilities which house adult criminal offenders. It should be noted, however, that thus far no state has reported status offenders or non-offenders being placed in non-secure facilities which are also used for the lawful custody of adult criminal offenders. Thus, the impact of the two definitions, although worded differently, is the same. There is no cost differential between the two proposed definitions. Also, the Administration's proposed statutory definition will not impact the current cost of implementing Section 223a(12)(A) of the Act.

B.4.(a.) Has the related joint funding section (§ 205) ever been used? To date the joint funding provision has not been used. However, OJJDP is contemplating using it in connection with implementation of the intermediary corporation concept.

B.4.(b.) What amount of discretionary funds is allocated for Concentration of Federal Effort (CFE) for fiscal year 1980? What amount is requested for fiscal year 1981?

Fiscal year 1980	$1,000,000
Fiscal year 1981	1,000,000

Question 4(c). Why are funds, other than CEF funds, being planned for allocation for interagency projects and thereby reducing special emphasis funding for OJJDP action projects and continuations?

Response. OJJDP has planned to use other than CEF funds for interagency projects, as there is currently insufficient funds in the CEF category to fund what is considered programs which are essential for the Office meeting its goals and objectives. The purpose of the proposed projects is the same as the purpose of the Special Emphasis Program. OJJDP is proposing to make grants and contracts with public and private agencies, organizations, institutions, and/or individuals for the purposes outlined in Section 224(a) 1–11. The procedure for entering into these grants and contracts differs only in the fact that it is contemplated that a majority of the funds for the programs in question will come from other interested agencies. We do not contemplate having other Federal agencies being the service providers. Interagency projects are not viewed as a dilution of Special Emphasis as all interagency projects will be action projects.

4.e. The OJJDP staff has been reduced from 61 to 51 positions. OJJDP was allocated 61 positions for fiscal year 1978. However, with the closing of the Regional Offices in September, 1977, LEAA was never permitted to hire the additional positions approved in the fiscal year 1978 budget.

Any staff appointed to provide support for the Council that are considered LEAA employees would be paid from administrative funds appropriated for LEAA. The DOJ fiscal year 1981 budget includes positions and administrative funds for OJJDP under the Executive Direction and Control, LEAA budget activity.

Question 5. Since the Associate Administrator is responsible to the operation of OJJDP and for the juvenile policy, what rationale supports the proposed amendment to Section 245, substituting the OJJDP Deputy for its Administrator?

Response. As a practical matter the National Advisory Committee's (NAC) subcommittee for the Institute, established by Section 208(d), works very closely with the Institute Director. The subcommittee's advice and recommendations concerning the policy and operations of the Institute are, of course, reviewed by the OJJDP Associate Administrator who must approve any resultant policy changes.

Both the NAC's Institute subcommittee and the full NAC voted to support this proposed amendment to Section 245.

Question 6. In view of the Justice System Improvement Act of 1979 (JSIA) is it correct to assume that the Administrator's (sic) proposal to dilute the vital maintenance of effort section has been reconsidered and rejected? If not, please elaborate.

Response. It is not clear from the question what proposal is being referenced. However, it should be stated, for the record, that Henry Dogin, as LEAA Administrator, never proposed any change in the maintenance of effort requirement.

The Department of Justice Task Force recommended that the existing maintenance of effort provision be retained for all Crime Control Act action program funds but not for research, evaluation and statistics components. These activities would be subject to an "adequate share" requirement. To simplify accounting the required maintenance level was increased from 19.15 percent to 20 percent. OJJDP would issue police guidelines related to expenditure of maintenance of effort funds and any other funding of juvenile related programs funded with LEAA funds. A majority of the Task Force recommended that the maintenance of effort requirement not be amended to apply individually to each Crime Control Act budget category, preferring to continue it as an "aggregate" requirement. The Task Force also recommended that if OJJDP were to be made an independent unit of OJARS, that LEAA should control, or at least concur in, any policy formulated to control the expenditure of maintenance of effort funds.

These Task Force recommendations do not represent a "dilution" of the maintenance of effort requirement. Rather, the Task Force recommendations, as approved by Attorney General Civiletti, recognize the impracticability of attempting to allocate a portion of such activities as administration, public safety officers' benefits, and statistical systems to juvenile justice. Both evaluation and juvenile justice research are primary functions of NIJJDP.

The Administration has not taken a revised position on maintenance of effort subsequent to the passage of the Justice System Improvement Act.

Question 7(a). Why not a specific percent of the appropriation as a minimum?

Response. The Administration has proposed that a reasonable amount of funds be set aside for Part A activities (Concentration of Federal Effort) rather than a specific percent of the appropriation as a minimum because utilizing the reasonable amount method provides the Office with more flexibility. The Office would be able, on a yearly basis, to assess the needs of the Coordinating Council, and based upon a comparison of the needs of the over-all Office compared to the needs and problems of the Coordinating Council a determination as to how much should be appropriated to each would be made. It is conceivable that under the reasonable amount method a greater percentage of funds would be granted to the Coordinating Council.

Question 7(b). If the OJJDP has budgeted $1 million for CFE, but plans to fund several CFE-type projects (eg. HUD, HEW, Interagency Task Force on Youth) and thereby diluting already limited special emphasis funds, it would seem that an amount in addition to the $100 fiscal year 1981 request is in order Please comment and explain.

Answer. The Office views Part A of the JJDP Act ie. Concentration of Federal Effort, the Coordinating Council, the Joint Funding Provisions and the National Advisory Committee in broad terms. The Office sees the Part A provisions supporting the other parts of the Act and vice versa. Concentration of Federal Effort is not viewed as a program that has no relationship with the other programs operated by OJJDP. On the contrary, Concentration of Federal Effort is directly related to programs such as Special Emphasis and the formula grant program. The intent of these programs is essentially the same.

The budget for CFE has remained at $1m as the Office has been able to develop and implement CFE-type programs with Special Emphasis funds. This is not seen as any dilution of the Special Emphasis program as all the CFE-type projects are, like Special Emphasis, action projects designed regardless of the source of funds, to develop and/or demonstrate new methods in juvenile delinquency prevention and rehabilitation.

Question 8. It is proposed that Section 224(a) be amended to assist in the gathering of information regarding serious and violent juvenile crime. What type of information is contemplated? Has a need been demonstrated for it? Is this not a matter for the OJJDP Institute rather than special emphasis?

Response. The Administration bill proposes to add new special emphasis program authority with a purpose to:

> (12) develop and implement programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide resources necessary for informed dispositions of juvenile offenders.

The type of information to be developed is statistical data to measure the extent of the problem, adjudication and disposition data, and recidivism rates for adjudicated violent or serious juvenile offenders. Knowing the parameters of this problem in a particular jurisdiction will enable an applicant to propose a program strategy that meets identified needs.

The bill does not contemplate a nationwide statistical gathering program. Rather, the information to be gathered under this section would be limited to that which is necessary for project development. The Institute would, of course, be closely involved in the development of the special emphasis program for implementation of this section.

Question 9. It is proposed that Section 224(a) be amended to authorize three additional program areas. As you know, the Congress added Sections (9) (10) and (11) in 1977 with the caveat that Youth Advocacy, Restitution and Alternative to Incarceration (children-in-custody) receive priority. What programs have been funded in these new areas? What allocation of funds has been made for fiscal year 1980 to support such programs? Will any of the requested fiscal year 1981 funds be allocated to such purposes?

A. The following programs and projects have been funded in response to Section 224(a)(9)(10) and (11):

Note program is distinguished from project by uniformity of strategy, performance standards, methodology, evaluation across a group of project requirements, and level of funding provided for the overall effort.

Section 224(a)(9)

(1) The Juvenile Court Advocacy Project, funded at a total cost of $872,639 in fiscal year 1978 and fiscal year 1979 provides legal assistance to youth at all stages of the adjudicatory process, and litigates class action suits challenging violations of due process. It is operated in Boston, Massachusetts by the Greater Boston Legal Services.

(2) The Juvenile Justice Advocacy Project, funded at $331,232, provides legal assistance to youth tried under the newly enacted New York State Juvenile Code challenging provisions of the statute which deny due process rights to youth waived to adult court. It is operated in New York by the National Conference of Black Lawyers.

(3) The Restitution Program funded at $19,546,072, while not designed as a specific response to Section 224(a)(9) supports conformance to standards of due process, as it requires that restitution only be ordered following a finding of guilt and that legal counsel be provided at any point where abrogation of a youth's rights are jeopardized.

(4) The Youth Advocacy Program to be funded in fiscal year 1980, provides assistance to organizations and agencies to support redress of due process violations. $12,100,000 is allocated for this initiative and additional funds may be made available later this fiscal year.

Section (a)(10)

(1) The Model Legislative Committee Project funded at a total of $1,471,322, provides staff support to five (5) state legislative committees concerned with juvenile justice and delinquency prevention issues.

Section (a)(11)

(1) Replication of Project New Pride funded in March 1980, at a total cost of $8,731,194 is a program which incorporates a major learning disabilities component in all of the 11 projects funded. The LD diagnostic and remediation component is viewed as one of the most significant elements in the treatment of serious/chronic juvenile offenders.

B. $22,194,976 was allocated in fiscal year 1980 to support two (2) programs New Pride and Youth Advocacy and the three (3) projects identified above.

C. $4,128,871 will be allocated from fiscal year 1981's budget to support continuation of Restitution, which has requirements for support of due process, but no funds will be specifically allocated for single concentration on Section 224 (a)(9)(10) and (11). Youth Advocacy and New Pride are both funded for two (2) years.

Question 10. In view of the Administration's fiscal year 1981 request of $100 million for OJJDP, is it safe to assume the Administration suggested at least that minimal level of funding for the next several fiscal years? If not, please explain.

Response. LEAA does not plan to request a reduction in the level of funding for OJJDP.

B.11. The Administration's proposal would fragment the juvenile research effort by removing "basic" research, as distinguished from "applied", from the JJDPA and transferring such authority to the new NIJ. What is intended by the terms "basic" and "applied"? Additionally, please illustrate the distinction by categorizing OJJDP research grants in fiscal years 1978, 1979 and 1980 as either "basic" or "applied". Lastly, comment on the Attorney General's 10-12-79 spech characterizing the proposed reauthorization bill as continuing and expanding OJJDP's efforts relative to "casual links between behavior and other factors . . ."

Clear and concise definition are not always possible for the terms "basic" and "applied" research. To the extent that definition is possible, OJJDP feels that its efforts fall into the area of applied research.

B.12. In view of the proposed reduced responsibilities of the OJJDP Institute, namely the elimination of basic research, why does the fiscal year 1980 program plan retain 11 percent of the OJJDP appropriation for this diminished unit?

Approximately $11 million is allocated in fiscal year 1980 to NIJJDP for information dissemination, standards development, training, research and evaluation—all major functions mandated by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The majority of NIJJDP research and evaluation is directly linked to program development and implementation. One of the unique and key features of the juvenile justice program is the placement of the research (NIJJDP) and action (Special Emphasis) arms under one organizational unit—the Office of Juvenile Justice and Delinquency Prevention. This organizational arrangement facilitates the application of research and evaluation findings to the design of new programs, and enables researchers to learn from these new demonstration efforts. NIJJDP plays a cruical and valuable role in this regard.

The Justice System Improvement Act authorizes the new National Institute of Justice to undertake basic research in the juvenile justice area. In order to assure that there is no duplication of effort NIJ and NIJJDP have coordinated their plans, and in fiscal year 1980 will develop a memorandum of agreement to better define their respective roles.

PART C: ISSUE: OJJDP PROGRAM PRIORITIES AND MANAGEMENT

Question 1. Please provide a precise and realistic timetable for award of your fiscal year 1979 and fiscal year 1980 funds. Additionally, provide your plans for allocating the anticipated fiscal year 1981 level of funds including a time table for awards.

Answer. OJJDP's fiscal year 1980 Program Plan is funded with both fiscal year 1979 and prior year funds, as well as fiscal year 1980 funds. The sources of these funds are summarized below:

JJ carryover (unnobligated fiscal year 1979 and prior year amounts, including deobligated grant funds)	$13, 484, 983
JJ deobligations—fiscal year 1980	891, 490
Fiscal year 1980 reverted formula funds reprogramed to Special Emphasis	2, 130, 000
Crime control funds—fiscal year 1979 carryover	10, 144, 273
1980 allocation (less reprogramed reverted formula funds)	102, 870, 000
Total	129, 520, 746

To date, $43,995,750 has been awarded to the states as formula grants. There is an unobligated balance of $17,624,250. The sections of this response which deal with compliance issues explain the reason for there being no award at this time, as well as a projection of the states which are likely to receive fiscal year 1980 formula grant awards.

On the attached page, there is a summary of all fiscal year 1980 programs and their allocations. Note that both fiscal year 1980 (New) and prior year (Old) funds are listed. Prior year funds are highlighted in yellow. The total fiscal year 1980 allocation that is obligated to date is $51,089,911, or 50 percent of 102,870,000. The total prior year allocation obligated to date is $13,142,640, or 50 percent of $26,650,746.

OJJDP has developed a schedule for development of our fiscal year 1981 Program Plan. A copy of that schedule is attached. Not until April 15 will we be in a position to forward to you a draft schedule for program implementation in fiscal year 1981.

Attachments to Part C, Question 1:

Summary of fiscal year 1980 Program Allocations;
Summary of obligations to date, broken out by the year of the funds;
Explanation of Asterisks (*) used on summary of obligations;
Fiscal year 1981 Program Plan development process and schedule.

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*Program Allocation—O Deobligated, reverted and carry-over fiscal year 1979 and prior year money. Programs which have two allocation amounts listed have both 1979 and prior year funds (listed first) and fiscal year 1980 allocations (listed second).

**$2,000,000 was transferred to Youth Advocacy from Capacity Building in February, 1980. This reprogramming is not reflected in the allocation amounts listed.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, SUMMARY OF FISCAL YEAR 1980 SUBPROGRAM ALLOCATIONS

Activity	Source of funds		
	Fiscal year 1979	Fiscal year 1980	Total
Concentration of Federal effort	$477, 051		
NAC support		$300, 000	
Coordinating council support		300, 000	
Evaluation of homeless youth project		250, 000	
National Academy of Sciences		150, 000	$1, 477, 051
Formula grants		61, 620, 000	61, 620, 000
Technical assistance	215, 248		
Alternative responses to delinquency behavior		1, 750, 000	
Prevention		1, 000, 000	
Advocacy		250, 000	3, 215, 248
Discretionary programs:			
S.E. general carryover	2, 217, 000		
Restitution		542, 024	
SPA conference		70, 000	
Multicomponent projects:			
Interagency T. F. on youth		1, 000, 000	
HEW homeless youth project		1, 500, 000	
Interagency agreements	35, 000	1, 000, 000	
HUD crime prevention	1, 000, 000		
Capacity building	1, 231, 000	4, 787, 976	
Removal of juveniles from jails and lockups		3, 000, 000	
Prevention initiatives:			
1977 continuations (school resource network and youth skills development)		3, 050, 000	
Alternative education	4, 000, 000	4, 000, 000	
Youth advocacy	7, 311, 987		
Prevention R. & D		2, 300, 000	
Subtotal, juvenile justice discretionary			37, 044, 987
Diversion (continuations)	458, 000		
Project New Pride	9, 686, 273		
Legis 50		700, 000	
Serious offender		4, 300, 000	
Subtotal, LEAA discretionary			15, 144, 273
NIJJDP	19, 187		
Evaluation		3, 150, 000	
Research		2, 800, 000	
Standards		1, 000, 000	
Training		1, 000, 000	
Information development and dissemination		3, 050, 000	11, 019, 187
Total allocations:	26, 650, 746	102, 870, 000	129, 520, 746

Fiscal Year 1981 Program Plan—Development Process

Activity	*Time frame*
I. Determination of fiscal year 1981 continuation obligations, funding priorities and new program commitments:	
A. Request wwritten comments from each Division Director/Program Manager outlining fiscal year 1981 commitments and priorities.	Memorandum issued by Schwartz on February 2, 1980. Responses due to Schwartz on March 12, 1980.
B. Synthesis and analysis of responses	Review by planning team on March 13 and 14, 1981. Planning team comments to Schwartz on March 19, 1980. Review of responses and planning team comments by management, and discussed at management staff meeting on March 24, 1980.

Activity	*Time frame*
II. Determination of funding allocations and programs:	
A. Officewide strategy meeting to discuss programs recommended by management team.	March 26, 1980.
B. Final program decision issued by Administrator.	Memorandum to staff with approved program and tentative allocations: April 1, 1980.
III. Call for draft fiscal year 1981 program plans.	This call will be contained in the program allocation memorandum dated April 1, 1980. Draft plans will be due to the Administrator on April 15, 1980.
IV. Review and modification:	
A. Draft plans will be reviewed by planning team for consistency and discussion of coordination issues; recomdations to Schwartz.	Review by planning team on April 17, 1980. Recommendations to Schwartz on April 18, 1980.
B. Review by Administrator: Staff notified of any modifications that must be made or of approval to complete the final program plans.	Final plans completed by April 30, 1980.
V. Development and implementation of process for input of outside groups:	
A. Assignment of responsibility for plan development.	Notification of staff person on February 27, 1980.
B. Recommendation for plan and schedule to Administrator.	Plan due to Administrator on March 10, 1980.
C. Implementation of plan.	Will commence immediately upon approval from Administrator.

C-1. Please provide a precise and realistic time table for award of your fiscal year 1980 funds. Additionally, provide your plans for allocating the anticipated fiscal year 1981 level of funds, including a time table for awards.

The attached is the time table for award of fiscal 1980 funds.

The following is the time table for award of fiscal 1981 funds:

Program	Funds required	Projected award date
Restitution	$4, 128, 871	Dec. 15, 1980
School resource center	2, 800, 000	Oct. 15, 1980
Capacity building	6, 000, 000	Dec. 15, 1980
Violent juvenile crime	2, 500, 000	Oct. 30, 1980

Planning for other funds has not been completed.

FISCAL YEAR 1980 SPECIAL EMPHASIS IMPLEMENTATION PLAN, CRITICAL MILESTONES

Implementation stages initiatives	Draft guideline prepared (1)	Internal clearance (2)	External clearance (3)	Federal Register publication (4)	Application submission deadline (5)	Grant awards (6)
New pride				July 3, 1979	Sept. 21, 1979	Mar. 1, 1980
Youth advocacy				Oct. 15, 1980	Dec. 31, 1979	Apr. 30, 1980
Alternative education				Jan. 30, 1980	Apr. 30, 1980	July 31, 1980
Seious offender	Feb. 6, 1980	Mar. 6, 1980	Mar. 21, 1980	May 9, 1980	July 9, 1980	Sept. 30, 1980
Removal of youths from adult jails and lockups	Jan. 11, 1980	Feb. 15, 1980	Mar. 15, 1980	May 15, 1980	July 15, 1980	Do.
Capacity building	Jan. 26, 1980	Feb. 28, 1980	Mar. 21, 1980	May 12, 1980	June 30, 1980	Oct. 1, 1980
Prevention R. & D	Jan. 30, 1980	Feb. 5, 1980	Mar. 12, 1980	Apr. 30, 1980	do	Sept. 30, 1980

Question 2. Please include an update of the final fiscal year 1980 Subprogram allocations accompanied by a detailed explanation of each component. For example, $6.138 is allocated to a program entitled Capacity Building. Please provide the committee with an update on the Capacity Building Initiative.

Response. Attached is an overview of OJJDP's fiscal year 1980 Program Plan, which includes descriptions of each subprogram. Also included, on page 10 of the overview, is a postscript regarding Capacity Building.

Office of Juvenile Justice and Delinquency Prevention Overview of Fiscal Year 1980 Program Plan

OJJDP's fiscal year 1980 Program Plan is composed of five MBO subprograms:

- 2.106—Concentration of Federal Effort;
- 1.104—National Institute for Juvenile Justice and Delinquency Prevention;
- 2.202—Juvenile Justice Formula Grants;
- 2.201—Technical Assistance; and
- 1.207—Special Emphasis.

The following paragraphs contain a brief synopsis of each MBO final subgram plan, as submitted to the LEAA Administrator on September 11, 1979.

2.106 Concentration of Federal Effort

Fiscal year 1980 CFE funds are allocated as follows:

1. National Academy of Sciences—OJJDP shall continue its support of the NAS study of public policies concerning the rights of youth. Allocation for fiscal year 1980	$ 150,000
2. Support to the National Advisory Committee on Juvenile Justice and Delinquency Prevention. A contract, awarded in fiscal year 1979, which supports the four annual NAC meetings, will be continued in fiscal year 1980 and in fiscal year 1981. Allocation for fiscal year 1980	300,000
3. Federal Coordinating Council—A contract awarded for development of interagency programs, and to address the Council's recommendations pursuant to its review of selected juvenile service programs. Allocation for fiscal year 1980	300,000
4. Homeless Youth Project—Interagency Agreement with HEW—OJJDP will continue its support for the evaluation component of this project. Allocation for fiscal year 1980	250,000
Carryover from fiscal year 1979—allocated to NAC Support	477,051
Total fiscal year 1980 concentration of Federal effort	1,477,051

In addition to these activities, Concentration of Federal Effort Staff will undertake the development of the Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs conducted and assisted by Federal Departments including LEAA, HEW, Labor, HUD, and USDA; this report is due to Congress December 31, 1980.

The Office will also develop and implement a process for submission by other Federal agencies of Federal delinquency development statements as required in section 204(f) of the JJDP Act.

1.104 National Institute for Juvenile Justice and Delinquency Prevention

Fiscal year 1980 budget activities are broken down into three categories which represent the function of NIJJDP mandated by the JJDP Act.

1. Research, evaluation, and program development:

A. Research:

(1) Sexual abuse project—research and development study designed to test the most effective program interventions. Allocation for fiscal year 1980	$400,000
(2) Unsolicited research program—projects will be funded which provide research findings not otherwise available to OJJDP. (January). Allocation for fiscal year 1980	400,000
(3) Unsolicited research program—indication of new promising areas of program development in prevention and treatment of delinquency. (July). Allocation for fiscal year 1980	400,000

1. Research, evaluation, and program development—Continued

A. Research—Continued

(4) Dynamics of delinquency and drug use—this project will examine variables in drug use over time. Allocation for fiscal year 1980	200,000
(5) Unsolicited research program continuations—provide continuation support for promising research projects to reach optimum results. Allocation for fiscal year 1980	1,000,000
(6) Minority research initiative—researching regarding ramifications of juvenile justice system discrimination on the basis of race and sex. Also to involve minority researchers in other areas of research. Allocation for fiscal year 1980	400,000
Fiscal year 1979 Carryover	19,187
Subtotal—fiscal year 1980 Research costs	2,819,187

B. Evaluation:

The evaluative arm of the NIJJDP undertakes assessment of juvenile delinquency initiatives in the Special Emphasis Division. The purpose in doing this is to increase overall effectiveness of programs in delinquency/deviance, treatment, prevention and reduction.

Programs under evalution:	*Evaluation costs*
a. Restitution	$650,000
b. Youth advocacy	300,000
c. Family violence	450,000
d. New pride	300,000
e. School crime	300,000
f. Serious offender	400,000
g. Separation of juveniles from adults	150,000
h. Alternative education	400,000
i. Prevention	200,000
Subtotal—fiscal year 1980 evaluation costs	3,150,000
Total research, evaluation, and program development	5,950,000

2. Standards in Juvenile Justice:

A. Standards Review and Implementation Planning:

In fiscal year 1980, NIJJDP plans to undertake a review of current juvenile justice standards for their consistency with the JJDP Act and for their potential to further the purposes of the Act. The review process will consist of conducting a brief comparative analysis of relevant standards, holding a number of symposia and public hearings to enable discussion of the implications of appropriate standards resulting in the OJJDP endorsement of implementing various standards for its implementation program. Through provision of technical and financial assistance, states will be encouraged to review and adopt juvenile justice standards in their state. Allocation for fiscal year 1980	375,000

	Evaluation costs
2. Standards in Juvenile Justice—Continued	
B. Development of model statutes:	
With the recent adoption of the National Advisory Committee standards, the NIJJDP plans to develop and support model State legislation consistent with mandates of the act and the NAC standards. These would be focussed on specific areas (such as deinstitutionalization and separation). Allocation for fiscal year 1980	75,000
C. Assessment of innovative State legislation:	
1. Supplement to Washington State assessment to enable evaluation of the implementation of the legislation in two court jurisdictions. Allocation for fiscal year 1980	40,000
2. Maine juvenile justice legislation—assessment of the removal of juvenile court jurisdiction over noncriminal misbehavior. Allocation for fiscal year 1980	250,000
D. Development of police guidelines for the handling of juveniles:	
Phase II implementation and evaluation of guidelines. Allocation for fiscal year 1980	200,000
E. Juvenile court watch project:	
Promotes citizen awareness and involvement in monitoring the juvenile court operation to assure fairness and effectiveness of court policies and procedures. Allocation for fiscal year 1980	60,000
Total fiscal year 1980 standard costs	1,000,000
3. Training and information dissemination:	
A. NIJJDP will begin expansion of its training program through the establishment of a major training program in law-related education. This division will support and develop an educational program in which youth and adults are taught youths rights and responsibilities under the law.	
1. National Council of Juvenile and Family Court Judges Training: Trained judicial personnel and efficiency competency in the latest methods and techniques for handling youths under court and court related programs are important goals to be achieved by this Council. Allocation for fiscal year 1980	175,000
2. Training center: This is established to train juvenile justice and alternative system practitioners and volunteers and for the development of effective training materials. Allocation for fiscal year 1980	825,000
Total fiscal year 1980 training costs	1,000,000

3. Training and information dissemination—Continued

B. Dissemination Division: The NIJJDP has been able to make a major program advancement from development of information to its dissemination in this past fiscal year. Current 1980 goals are to disseminate information and knowledge developed through research, data collection and synthesis to potential users of such information.

1. Assessment centers: There are four assessment centers that are responsible for the collection, assessment, and the preparation of reports on delinquency-related topics. These four centers consist of one Coordinating Center and three topical centers, dealing with delinquent behavior and its prevention, the juvenile justice system and alternatives to juvenile justice system processing. Each year, the Coordinating Center publishes an annual volume entitltd, "Youth Crime and Delinquency in America," which includes information on the nature and extent of delinquency, justice system operations, and program information. Allocation for fiscal year 1980	1,500,000
2. Clearinghouse: The NIJJP established in fiscal year 1979, a national clearinghouse through expansion of LEAA's National Criminal Justice Reference Strvice. This will provide effective dissemination of juvenile justice information to the field. Allocation for fiscal year 1980	150,000
3. Incentive for exemplary projects. Allocation for fiscal year 1980	200,000
4. Management support contract for improved program development and implementation. Allocation for fiscal year 1980	200,000
5. Juvenile court statistics reporting system. Allocation for fiscal year 1980	200,000
6. OJJDP/public information groups information development and transfer. Improved decision making and responsiveness to juvenile justice needs are the purposes of this informational division. Allocation for fiscal year 1980	450,000
7. Children in custody census—updated information on the deinstitutionalization of juveniles. Allocation for fiscal year 1980	350,000
Total information dissemination allocation	3,050,000
Total fiscal year 1980 NIJJDP costs	11,000,000

2.202 Juvenile Justice Formula Grants

The fiscal year 1980 Budget allocation for the Formula Grants Program is $61,620,000 excluding funds allocated for the six non-participating states. In the past, the Formula Grants Division has placed a great deal of emphasis on the deinstitutionalization of status offenders, and non-offenders and has achieved substantial compliance by the states on this issue. Thirty-seven states will be required to achieve 100 percent compliance with the Act's deinstitutionalization mandate by December 31, 1980. In addition, in fiscal year 1980 more attention will be focused on the separation of juveniles and adults in these institutions.

2.201 Juvenile Justice Technical Assistance

The fiscal year 1980 Technical Assistance strategy has been planned in accordance with the three OJJDP goals. It is OJJDP's intent to obtain the services of three Technical Assistance contractors in fiscal year 1980. Each contractor will be assigned responsibility in each goal area and will provide assistance for all activities and grantees—whether funded by Special Emphasis or formula grant funds—in that area.

A summary of the 1980 technical assistance costs is as follows:

Activity:	*Costs*
1. Supplement the contract with Westinghouse National Issues Center, to continue TA support to prevention activities, including the special emphasis alternative education and prevention grantees	$1, 000, 000
2. Award national contract for TA support for development of alternative responses to delinquent behavior, including support for the special emphasis diversion, serious offender restitution and new pride projects	1, 600, 000
3. Award contract for TA support for grantees funded under the special emphasis youth advocacy initiative	250, 000
4. Special Projects—TA	
a. Legis 50	114, 995
b. National rural symposium	6, 183
c. Juvenile Justice Journal	89, 215
d. Public education campaign	70, 000
e. NACOR	74, 855
5. Travel—TA	10, 000
Total fiscal year 1980 TA costs	$3, 215, 248

1.207 Juvenile Justice Discretionary Programs and Special Emphasis

The special emphasis fiscal year 1980 program plan can be described in terms of three goal areas as follows:

	Costs
1. Alternatives to incarceration:	
A. Restitution by Juvenile Offenders—This program was initiated in fiscal year 1978. Two of the 41 restitution grantees shall receive continuation funds in fiscal year 1980. Allocation for fiscal year 1980	$542, 024
B. Replication of new pride—a treatment program for serious juvenile offenders—this program was planned in fiscal year 1979; and will be implemented in 1980.	
C. Diversion—one continuation grant—Wisconsin scheduled for refunding in fiscal year 1980	458, 000
No fiscal year 1980 funds are required for this program. It will be funded with carry-over fiscal year 1979 crime control funds. Allocation for fiscal year 1980	9, 686, 273
D. Violent Juvenile Offender—Through this initiative, OJJDP will support the development and improvement of national responses to serious juvenile offenses and offenders through programs, research and legal reforms. Allocation of LEAA MOE funds for fiscal year 1980. (This allocation will be increased by $989,601, a result of reprograming from New Pride)	[1] 4, 300, 000
2. Prevention of delinquency:	
A. Alternative education: This is a new initiative which, in fiscal year 1980 will support projects designed to promote institutional change in schools and provide alternative educational experiences for juveniles who have difficulty adjusting in traditional educational settings. Allocation for fiscal year 1980	$4, 000, 000
Carryover fiscal year 1979 funds	4, 000, 000
	8, 000, 000

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[1] 1980 LEAA maintenance of effort money.

	Costs
2. Prevention of delinquency—Continued	
B. Youth advocacy: This is another new initative based upon the premise that there are policies and practices of youth serving institutions that systematically exclude youth from meaningful participation in programs that supposedly exist for them, and as a consequence provide services which are not responsive to the real needs of youth. This program will fund projects designed to end arbitrary decisionmaking on the part of institutions dealing with youth. Reprograming from capacity building	2,000,000
Allocation for fiscal year 1980	9,311,987
C. Prevention research and development projects: OJJDP has developed a conceptual framework for prevention programing. This framework builds on findings that the organized social environment is the primary factor influencing both delinquent and law abiding behavior; these arrangements that generate delinquent behavior should be altered.	
This new initiative in prevention research and development is designed to test organizational change approaches to preventing delinquency, and to provide technical assistance in planning for initiating local prevention programs. Allocation for fiscal year 1980	2,300,000
During fiscal year 1980, the Office will continue to provide funding to projects initiated in prior years. These prevention initiatives include the following:	
D. Youth Skills Development: This service delivery program was initiated in 1977. One of the original 16 prevention grants will receive continuation funding in fiscal year 1980. Allocation for fiscal year 1980	
[2] E. Prevention of school crime: This program was initiated in fiscal year 1976 for the National School Resource Network. The main objective is to prevent the occurrence of crime and violence in and around schools through developing the capacity of local schools to use students, teachers, community persons, and justice system personnel in developing school initiatives which eliminate the causes of crime and violence. Allocation for fiscal year 1980	2,800,000
3. Improvements in the juvenile justice system:	
A. Capacity building: The purpose of this subcategory is to fund projects which will increase the capacity of governments and public and private agencies to prevent delinquency and improve the administration of juvenile justice. It will be funded in two phases; one for continuation applications, and one for previously unsolicited grants. Carryover and reverted formula funds	1,231,000
	4,787,976
Original fiscal year 1980 allocation	6,018,976
Only Phase 1 will be implemented in fiscal year 1980. Phase 2 is scheduled for implementation in fiscal year 1981. Additionally, funds have been reprogramed from this category to youth advocacy in the amount of $2 million. New revised allocation	4,018,976

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[2] Continuation of this program has been rescheduled for fiscal year 1981. Thus, these fiscal year 1980 funds are being reallocated to Youth Advocacy.

3. Improvements in the juvenile justice system—*Continued*

	Costs
B. Removal of juveniles from adult jails and lockups: This program is designed to meet requirements in the JJDP act seeking removal of juveniles from adult jails and lockups. It is also based on a recognition of youth rights and due process and promotes advocacy. Allocation for fical year 1980	3,000,000
C. Multicomponent programs: The purpose of this subprogram is to develop and implement integrated Federal Youth Policies and Federal Youth programs. In fiscal year 1980 it will consist of the following:	
1. Interagency Task Force on Youth Employment: OJJDP will be one of three agencies who will pool their resources to develop an Intermediary Corporation. The agencies involved are: Department of Labor, Department of Agriculture, Department of HEW, and LEAA. These agencies will pool upwards of $10 million which will be distributed to youth serving agencies to develop projects which serve troubled youth. In addition to these four agencies, an effort will be made to include several foundations and private agencies/corporations in this program. Allocation for fiscal year 1980	1,000,000
2. Interagency agreement with HEW: The OJJDP/LEAA transferred $1,500,00 0to HEW's Office of Human Development to support a project on homeless youth and runaway youth centers. Allocation for fiscal year 1980	1,500,000
3. Interagency agreements: Funds allocated are for the development and implementtaion of coordinated youth programs through these interagency agreements	1,000,000
4. HUD—community crime prevention: Funds will be transferred to HUD for development of community crime prevention programs in selected housing developments	1,000,000
5. Fourth Annual Youth Workers Conference NYWA	35,000
Subtotal allocation for fiscal year 1980 multicomponent programs	4,535,000
D. OJJDP will again provide funds to the State Planning Agency Conference for assistance and support to the Office, the States, and the grantees. Allocation for fiscal year 1980	70,000
E. Legis-50: OJJDP will continue to support legislative reform activities in the areas of juvenile justice and delinquency prevention. Allocation for fiscal year 1980	[3] 700,000
F. General carryover: In addition to the programs listed above, grants were not awarded in fiscal year 1979 as scheduled, and were caught in various stages of the review and award process. As of October 1, 1979, the fiscal year 1979 subprogram allocations which would have funded these grants expired. Thus, OJJDP created and received administration approval for a "special emphasis general carryover" category. Funds were allocated to the category in the aggregate amount of the carryover grants	2,217,000
Total fiscal year 1980 special emphasis allocation	52,189,260

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[3] 1980 LEAA maintenance of effort money.

Question 3.

(a) What percent of the fiscal year 1980 OJJDP Formula Funds was awarded by March 1, 1980?

Response. The allocation for Formula Grants for fiscal year 1980 is $61,620,000 (excluding the $2.1 Million which had been set aside for states which did not apply for fiscal year 1980 funds). As of March 1, 1980, $43,995,750, or 71 percent of the allocation, had been awarded.

(b) What percent of the formula grants was awarded by March 1, 1980?

Response. 51 states and territories have submitted, or intend to submit, an application for a fiscal year 1980 Formula Grant. As of March 1, 1980, 40 of these states and territories, or 78 percent, have been awarded their fiscal year 1980 Formula Grants.

(c) What percent of the total OJJDP discretionary funds were awarded by March 1, 1980?

Respnse. As of October 1, 1979, OJJDP had available $52,756,473 in JJ discretionary funds. This figure includes funds carried over from fiscal years 1976–1979, deobligations and reprogrammed reverted Formula funds. As of March 1, 1980, $11,252,543 or 21 percent had been awarded. An additional $12 Million (Youth Advocacy) will be awarded on April 30, 1980; $8 Million (Alternative Education) will be awarded on July 31, 1980; Three additional Special Emphasis Initiatives are now in the internal and external clearance process, and they will be awarded in the aggregate amount of $9 Million prior to September 30, 1980; All remaining funds included in the fiscal year 1980 budget have been committed and are on schedule. No carryover is anticipated.

(d) What percent of the available Crime Control/OJJDP funds was awarded by March 1, 1980?

Response. OJJDP's fiscal year 1980 CCA and JJ discretionary allocation, including funds carried over from fiscal years 1976–1979, deobligations and reverted Formula funds, is $67,900,746. As of March 1, 1980, $20,236,801 or 30 percent had been awarded. See the responses (c) above and (f) below for a discussion of the manner in which the remainder of the JJ and CCA allocations will be expended prior to September 30, 1980.

(e) What total OJJDP discretionary funds was available to OJJDP on October 1, 1979? What amount was awarded by March 1, 1980?

Response. See the response to (c) above.

(f) What total CCA discretionary funds was available to OJJDP on October 1, 1979? What amount was awarded by March 1, 1980?

Response. As of October 1, 1979, OJJDP had available $15,144,273 in CCA discretionary funds, including prior year carryover. As of March 1, 1980, $8,984,258, or 59 percent, had been awarded. The remaining CCA balance will be awarded in fiscal year 1980 as follows: New Pride—$870,414 in March, 1980; Violent Offender—$5.2 Million in September, 1980.

Question 5. It appears that the OJJDP staff was substantially reduced since May 1979. In fact, it has been reported that the entire Policy, Planning and Coordinating Unit, established in January 1978, has been abolished and the legal staff was likewise eliminated. What rationale underlies these steps?

Response. The staff allocation to OJJDP has not been reduced from its present allocation of 51 full-time permanent positions. What has caused a staff reduction was LEAA policy of not allowing positions to be filled when they became vacant. This policy was to address the fiscal and staff reduction required of the LEAA Reorganization and Legislative changes which OJJDP was affected by. The legal staff left the Office for what he considered to be a better position, and he simply was not replaced. The Policy, Planning and Coordinating Unit was abolished and the staff reassigned to more effectively meet the needs of the Agency and our clientele. At the time this decision was made it involved the reassignment of three professional staff and one clerical person.

The staff was reapportioned between the Special Emphasis Division and NIJJDP. In lieu of this Unit, the Divisions assumed full responsibility for Office planning. Each Division Director and a staff person of his/her choice became members of an Administrative Development Team. This Team was coordinated by a staff person from the Office of the Associate Administrator. OJJDP is pleased about this type of planning structure. Within OJJDP there are five major and diverse functions (Research and Evaluation, Demonstration, Formula Grants, Technical Assistance and Federal Coordination of Effort) which were not being planned and implemented in coordination with each other. Through the Administrative Development Team, the Office developed both short-range and long-range plans which are integrated, because of the involvement of all Divisions, creative, because of the involvement of staff at all levels of the GS scale, and are supported by the entire Office. In addition to these planning activities, the staff-level members of the Team convene as needed in order to develop briefing books, MBO, budget analyses and justifications, and other administrative tasks. The Team also is assigned regular monthly tasks, such as maintenance of an accurate Office status of funds report, monthly management briefs, etc. We believe this Team concept will be highly efficient, particularly in light of personnel reductions, because these Team members will be free to handle program responsibilities when they are not handling their Team responsibilities.

Question 6. As of March 1, 1980 how many new, non-continuation JJDP grants have been awarded by OJJDP?

What dates were they awarded?

For what purposes?

Answer. During fiscal years 1975–1979 OJJDP awarded 268 new, non-continuation grants (versus 91 continuation grants) from JJDP Act funds. As of March 1, 1980 the number of such grants awarded from fiscal year 1980 JJDP Act funds was 6 (versus 5 continuation grants).

See response to question C.33 for actual list of awards including project summaries.

Question 7. How many new, non-continuation JJDP (Act funded) grants will be awarded by OJJDP in fiscal year 1980?

Answer. There will be 50 to 55 such grants[1] awarded during fiscal year 1980, to the following program outline:

NIJJDP	12 to 15
Discretionary programs:	
Multicomponent projects	2 to 4
Removal from jails	1
Alternative education	15
Youth advocacy	19
Prevention R. & D.	5
Concentration of Federal effort	0
Technical assistance	0 to 3
Total	[1] 59 to 62

[1] Includes interagency agreements, excludes contracts.

Question 8. What percent of the total DOJ fiscal year 1981 budget is allocated to OJJDP? What percent of the DOJ fiscal year 1981 positions is allocated to OJJDP?

Response. The total DOJ fiscal year 1981 budget requested is $2.7 billion and 55,679 positions. OJJDP program funds and positions equal 3.7 percent and .009 percent respectively.

Question 9. It is our understanding that the OJJDP carryover from fiscal year 1979 amounted to nearly $27 million or 40 percent of the discretionary funds available in fiscal year 1979. Please provide a detailed assessment of carryover by fiscal year since the establishment of OJJDP distinguishing Crime Control Act from Juvenile Justice Act fund and carryover by OJJDP unit. Additionally, provide obligation information as a percent of the total discretionary funds available to OJJDP for fiscal year 1980 by unit and type of funds and number of grants or contracts during the first two quarters of fiscal year 1980. Also, provide a realistic, detailed obligation forecast, by discretionary funds, by quarter, for the remainder of fiscal year 1980; indicating the number of grants, cooperative agreements, or contracts and amount for each, and the nature of funds by award and unit.

Response. Attached are the following documents which provide the information requested above:

a. A summary of the unobligated funds at the close of each fiscal year. In reading this chart, it should be noted that the Crime Control Act funds unobligated at the close of the fiscal year will not necessarily correspond with the allocations for the next fiscal year.

b. A summary of the amount of fiscal year 1980 funds awarded by each OJJDP unit to date and the percentage of each to the total discretionary funds available to OJJDP in fiscal year 1980.

c. A list of all grants and contracts awarded to date by OJJDP (during fiscal year 1980).

d. A summary of program allocations, obligations to date, and projections for expenditure of unobligated balances, by program category.

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[1] Includes interagency agreements, excludes contracts.

OJJDP CATEGORICAL GRANT OBLIGATIONS, BY CALENDAR YEAR

Fiscal year and funds	Original awards		Adjustments (deobligations and supplements)		Adjusted obligations
	Amount	Number	Amount	Number	
JAN. 1, 1975 TO MAR. 1, 1980					
1975:					
JJ	$13,352,029	72	0	0	$13,352,029
CC	10,719,767	28	($84,826)	1	10,634,941
1976:					
JJ	4,724,509	18	(3,171)	1	4,721,338
CC	12,389,107	48	(213,802)	5	12,175,305
1977:					
JJ	10,057,648	41	157,711	14	10,215,359
CC	2,624,174	7	(40,832)	6	2,583,342
1978:					
JJ	56,156,203	151	604,240	19	56,760,443
CC	11,976,485	27	(544,636)	12	11,431,849
1979:					
JJ	23,500,166	77	(303,132)	44	23,197,034
CC	6,727,409	16	(639,180)	25	6,088,229
1980 (to date):					
JJ	556,934	4	1,929,142	11	2,486,076
CC	0	0	(37,555)	2	(37,555)
Total:					
JJ	108,347,489	363	2,384,790	89	110,732,279
CC	44,436,942	126	(1,560,831)	51	42,876,111
JULY 1, 1974 T- MAR . 1980					
1975:					
JJ	0	0	0	0	0
CC	7,060,221	26	0	0	7,060,221
1976:					
JJ	15,748,432	81	(3,171)	1	15,745,261
CC	14,245,472	42	(298,225)	5	13,947,247
1977:					
JJ	10,381,229	41	(40,894)	13	10,340,335
CC	7,883,597	26	(30,015)	6	7,853,582
1978:					
JJ	51,431,703	148	697,806	10	52,129,509
CC	10,169,264	21	(521,410)	12	9,647,854
1979:					
JJ	28,135,724	82	(688,333)	45	27,447,391
CC	8,076,245	21	(139,687)	16	7,936,558
1980 (to date):					
JJ	2,650,401	11	2,419,382	20	5,069,783
CC	458,385	1	(571,494)	12	(113,109)
Total:					
JJ	108,347,489	363	2,384,790	89	110,732,279
CC	47,893,184	137	(1,560,831)	51	46,332,353

Question 10. What amount of reverted formula grant funds will OJJDP receive during fiscal year 1980? For what purposes and when are the funds scheduled for obligation? Additionally, what portion, if any, of the "reverted monies" are fiscal year 1980 or fiscal year 1979 dollars?

Response. Six states did not submit an application for fiscal year 1980 Formula funds. The fiscal year 1980 allocations for these states totals $2.1 Million, and these funds have been reprogrammed into Special Emphasis initiatives for expenditures in fiscal year 1980.

The fiscal year 1979 reverted Formula funds were allocated in fiscal year 1979 to the Model Program category. All but $13,000.00 of the Model Program budget was awarded by September 30, 1979.

At present there are eleven states which have not yet received approval of their fiscal year 1980 Formula grant applications. If some of these states fail to meet the requirements for continued participation, it is possible that the amount of our reverted Formula funds will increase. Tentative OJJDP plans call for reprogramming of any additional reverted Formula funds into Special Emphasis initiatives which will be awarded prior to September 30, 1980.

Question 11. How many discretionary grants are being processed by OJJDP as of March 1, 1980. Of these what number and percentage are accounted for by Project New Pride or others to be funded with Crime Control Act dollars.

Answer. First part of question, NIJJDP—7 grants. Second part: New Pride is not covered among these. No Crime Control Dollars are involved.

How many discretionary grants are being processed by OJJDP as of March 1, 1980. Of these, what number and percentage are accounted for by Project New Pride or others to be found with Crime Control Act Dollars?

Six (6) discretionary grants were being processed by the Special Emphasis Division of OJJDP as of March 1, 1980. Two (2) were New Pride, accounting for 33 percent of these to be funded with Crime Control dollars.

Question 12. There seems to be tremendous confusion as to which OJJDP policy applies to the implementation of Section 228(a), the continuation of funding section of the JJDPA. Please provide the basis for granting or denying continuation funds in the past and what policy will be followed in the future.

(a) The method(s), if any, by which continuation policy(ies) was/were announced or provided to the juvenile justice community; and,

(b) The relevance, if any, of LEAA Instruction I 4510.2 (September 14, 1979) to any of the concerns raised hereinabove. Does these exist, today, any LEAA policy which is inconsistent with 228(a)?

Response. (a) OJJDP policy for continuation under the Part B. Subpart I, Formula grant program was initially established in LEAA State Planning Agency Grants Guidance M 4100.1D, CHG 1, July 10, 1975. Chap. 3, Par. 82(o). This policy was revised in M 4100.1F, CHG 3, July 25, 1978, Chap. 3, Par. 52(s).

OJJDP policy for continuation under the Special Emphasis Grant Program was established in LEAA Financial Management Guideline M 7100.1A, CHG 3, October 29, 1975, Chap. 7, Par. 12.

The policy established by these guidelines is that programs funded with formula grant and Special Emphasis funds will establish a minimum (or maximum) length of funding, i.e., a project period, for competitive programs under which individual project grant applications will be funded. This policy was intended to meet the underlying congressional intent of Section 228(a), expressed by Senator Bayh, that Juvenile Justice Act funded projects be assured of "an orderly method of development, implementation, and length of funding."

Unsolicited proposals funded by OJJDP with Special Emphasis funds, as well as funding under Concentration of Federal Effort and the Institute program, are considered on an individual program or project basis.

(b) LEAA Instruction I 4510 (September 14, 1979) establishes as agency policy that program objectives for which funds are to be awarded should be covered by program announcements and that competition for assistance should be maximized by furnishing the public with timely information through publication of information in the Federal Register.

I do not view this Instruction policy as inconsistent with Section 228(a) or current OJJDP policy to implement that Section.

The agency's implementation of Section 228(a) has recently been challenged by an applicant for refunding under the NIJJDP training program. Because this matter is currently under administrative review, and until there is a final agency determination, it would be inappropriate to comment on future policy changes which might be considered by the Office.

"There seems to be tremendous confusion as to which OJJDP policy applies to the implementation of Section 228(a), the continuation of funding section of the JJDP Act. Please provide the basis for granting or denying continuation funds in the past and what policy will be followed in the future."

Projects funded as part of a national scope initiative are funded for a project period which is stated in each program guideline. Continuation over this stated period is based upon satisfactory performance and availability of funds. There has been no confusion about projects funded under any national scope initiative. By administrative decision, and consistent with Section 228(a) fifteen (15) of the sixteen (16) Prevention Projects funded under the national Prevention Initiative were extended for a third year at reduced funding because they were performing well and needed additional time to secure other funding to continue projects after our funding ended. One project was not continued because of poor performance.

In the future, all projects will be funded in response to an announced guideline and given a specific project period, based upon the work and time required to achieve stated objectives. This will be made a part of the grant award document, and any cost extension will be subject to LEAA policy outlined in Instruction 4040 issued September 14, 1979. This provides for project extension and supplemental funding when the results of the original project warrant support beyond the period originally recommended. Attached is a copy of the draft continuation policy.

(a) The method(s), if any, by which continuation policy(ies) was/were announced or provided to the juvenile justice community.

Projects funded in the past which were not a part of a national initiative were given a project period upon award of the grant, and the grant award included a special condition which stated the circumstances under which future funding would be considered. There have been no appeals regarding application of this policy on Special Emphasis grants to date.

The attached draft continuation policy is being finalized, and will be published in the Federal Register when it is approved. It will provide the basis for continuation decisions in the future. The initial draft continuation policy was circulated to public interest groups, the National Advisory Council to OJJDP, and the Minority Advisory Council to LEAA and comments were incorporated into the final draft.

(b) The relevance, if any, of LEAA Instruction I 4510.2 (September 14, 1979) to any of the concerns raised hereinabove. Does there exist, today, any LEAA policy which is inconsistent with 228(a)?

Instruction I 4510.2 issued September 14, 1979, establishes as agency policy that program objectives should be clearly established in program announcements and that to the maximum extent feasible, all information regarding availability of funds, and other information related to selection of programs would be widely publicized. It is not inconsistent with Section 228(a), and is consistent with the procedures established in 1976 for issuance of OJJDP Special Emphasis Program Announcements.

JJDP policy for continuation under the Special Emphasis grant program is established in LEAA Financial Management Guideline M 7100.1A, CHG–3, issued October 29, 1975, Chap. 7, Par. 12. This establishes a policy which provides that programs funded with formula grant and Special Emphasis funds will establish a minimum or maximum length of funding for competitive programs under which individual project grant applicants will be funded. This policy was further clarified in Instruction 4040.2 issued September 14, 1971. The instruction builds upon M 7100.1A, CHG–3, Chap. 7, Par. 12, by describing the Project Period System for funding categorical grants and cooperative agreements in greater detail. The policy provides for project period extension beyond the original project period approved when the original project period was approved for a period of a time shorter than grant was needed; or, the results of the original project warrant support beyond the period originally recommended. These are termed "competitive extensions" which must be reviewed, evaluated and approved on the same basis as an application for a new grant.

This provision is consistent with Section 228(a) of the JJDP Act.

Question 13. What percent of special emphasis funds was awarded to private non-profit agencies, organizations or institutions during fiscal years 1975 through 1979? What percentage is planned for fiscal year 1980? Naturally, this inquiry includes all such funds not solely those recommended for award by the Division of the same name, but the inquiry is limited solely to JJDP funds.

Response. The requested information for fiscal years 1975 through 1979 is contained in the following chart:

JJDP ACT SPECIAL EMPHASIS FUNDS

PRIVATE NONPROFIT AWARDS

Fiscal year	Total awarded	Total number of awards	To private nonprofits			
			Amount	Percent	Number	Percent
1975						
1976	$13,878,216	19	$6,432,336	46.3	10	52.6
1977	5,599,391	20	5,119,001	91.4	13	65.0
1978	21,492,750	39	16,121,639	79.7	31	79.5
1979	11,740,369	37	8,717,440	74.3	25	67.6
1980 to date	1,839,632	5	1,366,462	74.3	4	80.0
Total	54,550,358	120	38,756,878	71.0	83	69.2

We do not have a specific percentage of funds to be awarded to private nonprofit organizations planned for fiscal year 1980, except that the total will be at least the statutorily required 30 percent. From the data in the above chart, it is reasonable to expect that the amount will be much greater than 30 percent.

Question 15. In 1977 the Congress amended the JJDPA to authorize the Council to review the programs and practices of Federal agencies and report on the degree to which Federal Agency funds are used for purposes which are consistent or inconsistent with the mandates of Section 223(3) 12(A) and (13). Our 1977 Report at page 54 stressed the importance of knowing whether the Federal Government is supporting these important cornerstones of the JJDPA. Can you report to us on the progress of the Council in carrying out its mandate under these sections?

Review of programs and practices of Federal agencies for consistency with the mandates of Section 223(a) 12(A) and (13) are a critically important function of the Council. The Office has funded a three year study by the National Academy of Sciences on the Public Policies Contributing to the Institutionalization and Deinstitutionalization of Children and Youth which the Office will utilize in connection with the Council. The Office has also built into the support contract for the Council, a major task related to this important issue.

Question 16. In times past, the LEAA General Counsel has held that the OJJDP head was not within the definition of "Administration" under LEAA. Is this presently the case in the instance of LEAA? OJARS?

Response. In the Omnibus Crime Control and Safe Streets Act of 1968, prior to the Justice System Improvement Act amendments in 1979, Congress defined the term "Administration" as follows:

"Sec. 101 (a) There is hereby established within the Department of Justice, under the general authority, policy direction, and general control of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate."

As can be seen, there is no reference to the Administrator of OJJDP in this definition. The Office of General Counsel has never held that the term "Administration" does not include the OJJDP head. It has, on occasion, referenced this Section in legal memoranda.

Under Section 101 of the Justice System Improvement Act, the term "administration" has become no more than an abbreviation for the organizational entity established by what Act as the "Law Enforcement Assistance Administration." There is no longer an "administration" defined as specified individuals responsible for the Act's implementation.

Question 18. As you know, one of the major recent improvements in OJJDP was the acquisition by OJJDP of the Juvenile Formula Grants Program in the summer of 1977 when it and the "sign off" were transferred from OCJP, LEAA, and delegated to the OJJDP head. Can you explain to the Committee whether or not the present Administration of OJJDP is, in fact, given the responsibility for the Juvenile Formula Grants Program?

Response. Since fiscal year 1978 the Administration of OJJDP has had "sign off" authority for the JJDP Act Formula Grants. The present Administrator continues to exercise this "sign off" authority.

Question 20. Provide a state-by-state report and explanation of the various methods approved by OJJDP to implement Section 223(a)(14), monitoring of jails, detention facilities, correctional facilities and non-secure facilities.

Response. Many options exist for the development of an adequate system of monitoring juvenile residential facilities as required by the Juvenile Justice and Delinquency Prevention Act. While the components which make up the system are generally the same, the type of information will vary according to the needs of the individual state. This ranges from states concerned simply with monitoring compliance with the requirements of the Act to those who are interested in the broader aspects of the monitoring effort.

Any monitoring system for a state should include:

A formal, consistent, and continuous collection of data from law enforcement, courts, the agency responsible for placement of a juvenile, and the facilities which have been used for the placement of juvenile offenders.

A means of continuing education for youth, the public, court personnel, lawyers, and law enforcement officers concerning the JJDP Act and its implications, and mechanisms established within the state to insure the enforcement of the Act.

One or several monitoring devices which assures comprehensive coverage of all residential facilities in which juveniles are placed by the court for an offense, as well as those agencies responsible for the placement of these youth (police, courts, social services). Coverage should include periodic visits to each facility as well as unplanned spot checks and interviews with youth, family, and staff.

To facilitate objectivity in the process, at least one component of the monitoring system should be independent of the state and the agency responsible for the placement.

The process should provide assurances with respect to the privacy of those youth whose placement is being monitored.

There should be the provision of adequate funds to be used exclusively for monitoring activities.

A process for the reporting and investigation of official and unofficial complaints concerning violations.

The juvenile residential facilities to be monitored and those agencies who are responsible for placement should collectively provide the following:

Relevant data and information upon request of the monitoring agency;

Accessibility to facilities, files, records, and staff;

List of the facilities used in the past for the placement of juveniles;

Detailed plans for:

The education of all employees concerning the Act and how it will be implemented.

The identification of existing or planned non-residential alternatives.

The criteria and process utilized in the placement of juveniles.

Dissemination of information regarding the Act and its implementation. This should include the name and number of the person or agency responsible for investigating violations.

A description of how the facility or agency conducts internal self-monitoring of its practices and procedures.

All monitoring agencies should be assured of:

Access to all information regarding juveniles in residential facilities.

A regular and official means to report their findings (i.e., inclusion on monthly agendas, requirements of written reports to the legislature, Governor, juvenile corrections agency, court, and OJJDP).

A means of soliciting and ensuring the privacy of reports of violations.

Attachment 1, Issue C–20 identifies various monitoring practices and the many options which have been recommended and are currently in use across the country.

Question 21. What percent of the maintenance of effort (MOE) funds allocated by the states were used to implement Sections 223(a)(12), (13), and (14) of the JJDP Act? Please provide a state-by-state breakdown.

Response. The attached two charts indicate the amount allocated by each state to implement Sections 223(a)(12), (13), and (14) of the JJDP Act for fiscal year 1979 and 1980.

FISCAL YEAR 1979 MAINTENANCE OF EFFORT FUNDS ALLOCATED TO IMPLEMENT SECS. 223(a)(12), (13), AND (14) OF THE JJDP ACT

	MOE amount	MOE percent	Percent allocated to secs. 223(a) (12)(13) and (14)
Alabama	$950, 798	19. 15	70. 0
Alaska	162, 437	19. 99	63. 6
Arizona	772, 475	27. 28	40. 9
Arkansas	727, 731	25. 33	45. 0
California	5, 796, 670	19. 81	42. 2
Colorado	884, 858	25. 26	31. 0
Connecticut	1, 039, 315	24. 64	30. 0
Delaware	165, 976	19. 16	0
District of Columbia	267, 540	26	75. 0
Florida	2, 611, 650	23	69. 0
Georgia	1, 353, 600	20	45. 0
Hawaii	238, 477	19. 84	53. 2
Idaho	271, 813	23. 6	0
Illinois	2, 916, 354	19. 15	9. 0
Indiana	1, 411, 701	19. 53	44. 0
Iowa	889, 656	22. 76	27. 0
Kansas	598, 821	19. 15	74. 0
Kentucky	980, 280	21	65. 0
Louisiana	1, 042, 798	19. 81	20. 0
Maine	313, 040	21. 5	29. 0
Maryland	1, 895, 218	33. 8	75. 0
Massachusetts	1, 666, 138	21. 61	16. 4
Michigan	3, 712, 260	29. 97	11. 0
Minnesota	1, 065, 453	19. 82	3. 0
Mississippi	867, 510	27	90. 0
Missouri	1, 387, 269	21. 3	12. 0
Montana	216, 340	20. 05	20. 0
Nebraska	434, 032	20. 58	100. 0
Nevada	208, 573	23. 3	0
New Hampshire	245, 745	21. 5	63. 0
New Jersey	2, 596, 800	26	39. 0
New Mexico	379, 293	23. 8	60. 0
New York	4, 699, 027	19. 15	----------------
North Carolina	1, 802, 048	24. 27	92. 0
North Dakota	179, 338	19. 16	10. 0
Ohio	3, 672, 420	25. 24	85. 0
Oklahoma	810, 766	21. 54	15. 0
Oregon	682, 674	21. 5	50. 0
Pennsylvania	3, 371, 340	21	0
Rhode Island	247, 920	19. 46	24. 0
South Carolina	811, 230	21	87. 0
South Dakota	310, 636	33. 33	12. 0
Tennessee	1, 150, 600	20	50. 0
Texas	3, 952, 966	23. 11	30. 0
Utah	674, 622	40. 3	55. 0
Vermont	160, 576	19. 3	60. 0
Virginia	1, 568, 684	25. 5	15. 0
Washington	959, 036	19. 52	0
West Virginia	552, 194	22. 19	38. 0
Wisconsin	2, 512, 615	40. 08	62. 0
Wyoming	161, 400	20	10. 0
Puerto Rico	873, 800	20	75. 0
American Samoa	42, 000	32. 2	100. 0
Guam	51, 896	19. 15	71. 0
Trust territories	65, 200	20. 37	0
Virgin Islands	112, 800	38	100. 0
Northern Marianas	34, 300	27. 7	30. 0
Total	67, 530, 659	22. 61	30. 0

FISCAL YEAR 1980 MAINTENANCE OF EFFORT FUNDS, INCLUDING THOSE ALLOCATED TO IMPLEMENT SECS. 223(a) (12, (13), AND (14) OF THE JJDP ACT

	Action	MOE amount	MOE percent	Percent allocated to secs. 223(a)(12), (13) and (14)
Alabama	$3,476	$665,634	19.15	0
Alaska	413	107,080	25.9	70.0
Arizona	2,181	71,002	21.5	56.0
Arkansas	2,038	494,826	24,28	50.0
California	20,474	(1)	(1)	(1)
Colorado	2,480	590,240	23.8	20.0
Connecticut	2,930	879,000	30	50.0
Delaware	571	115,188	19.15	0
District of Columbia	668	216,503	21.8	83.0
Florida	7,936	[1] 2,625,790	23	18.0
Georgia	4,737	970,130	20	15.0
Hawaii	860	165,000	19.19	60.0
Idaho	827	158,370	19.15	35.5
Illinois	10,516	[2] 2,619,816	19.15	15.0
Indiana	5,025	[2] 1,242,354	19.83	15.0
Iowa	2,726	[2] 733,056	21.16	68.0
Kansas	2,195	420,343	19.15	79.0
Kentucky	3,267	625,630	19.15	17.0
Louisiana	3,699	146,088	20.17	25.0
Maine	1,040	206,891	19.89	21.0
Maryland	3,892	963,454	24.8	75.0
Massachusetts	5,424	1,055,836	19.46	20.0
Michigan	8,574	[2] 2,362,850	0	11.0
Minnesota	3,[illegible]45	[2] 964,656	20.25	15.0
Mississippi	2,257	[2] 645,164	19.15	10.0
Missouri	4,532	914,302	20.17	9.0
Montana	743	153,503	20.66	15.0
Nebraska	1,480	[2] 306,072	20.56	100.0
Nevada	622	164,228	26.4	19.8
New Hampshire	821	157,769	19.22	31.0
New Jersey	6,883	1,873,975	27.23	29.0
New Mexico	1,145	274,456	23.97	27.0
New York	16,779	3,2[illegible]2,000	19.48	72.0
North Carolina	5,180	1,142,837	22	19.0
North Dakota	634	143,284	22.6	10.0
Ohio	10,019	[2] 2,787,350	21.8	65.0
Oklahoma	2,659	509,703	19.17	12.0
Oregon	2,256	432,024	19.15	13.2
Pennsylvania	11,047	3,355,217	22	35.0
Rhode Island	903	176,085	19.5	29.0
South Carolina	2,717	[2] 665,319	19.15	11.5
South Dakota	670	131,990	19.7	11.0
Tennessee	4,037	[2] 1,042,805	20	18.0
Texas	11,991	2,392,204	19.95	29.0
Utah	1,214	320,098	26.44	32.0
Vermont	478	91,537	19.15	40.0
Virginia	4,788	1,139,597	20.9	15.0
Vermont	478	91,537	19.15	40.0
Washington	3,466	677,128	19.53	0
West Virginia	1,758	442,605	20.38	37.0
Wisconsin	4,366	941,724	21.56	39.0
Wyoming	407	88,278	21.6	39.0
Puerto Rico	3,022	955,526	22	26.0
American Samoa	128,600	24,637	19.15	30.8
Guam	141,275	66,004	45.7	0
Trust territories	145	[2] 102,235	20.22	0
Virgin Islands	116	70,000	37	0
Northern Marianas	64,000	[3] 8,000	12.5	0
Total	207,162,000	43,567,402	21.03	

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[1] Information not available within OJJDP. Special condition applied to part D award and State has not responded.

[2] These figures were based upon a much higher allocation of part D funds than was eventually approved by the President's budget. A revised lower figure is to be submitted in the near future.

[3] Agency has been informed that amount is unsatisfactory. Expect revised data in the near future.

Question 22. Please provide, on a fiscal year basis, a state-by-state report on the amount of JJDPA funds deobligated by OJJDP, since the Act became law.

Response. Please refer to the attached printouts for deobligations by states.

LIST OF JJ FUNDS DEOBLIGATED BY FISCAL YEAR AND BY STATE

	Adjusted award	Deobligated amount	Projects deobligated
1975:			
Alaska	$198,804	$1,196	1
Arizona	189,727	10,273	1
California	673,921	6,079	1
Connecticut	199,624	376	1
Delaware	197,886	2,114	1
District of Columbia	187,468	12,532	1
Florida	208,923	7,077	1
Idaho	199,107	893	1
Illinois	370,984	18,016	1
Indiana	164,258	35,742	1
Iowa	152,357	47,643	1
Kentucky	0	200,000	1
Louisiana	183,477	16,523	1
Michigan	326,907	6,093	1
Minnesota	178,721	21,279	1
Mississippi	197,243	2,757	1
Missouri	183,985	16,015	1
Montana	159,843	40,157	1
Nebraska	0	200,000	1
Nevada	13,211	186,789	1
New Hampshire	189,114	10,886	1
New Mexico	174,454	24,482	1
		1,064	
North Carolina	0	200,000	1
North Dakota	20,750	170,000	1
		9,250	
Ohio	360,195	22,805	1
Oregon	106,780	93,220	1
Pennsylvania	378,883	16,117	1
South Carolina	199,988	12	1
South Dakota	52,346	144,331	1
		3,323	
Tennessee	92,069	102,982	1
		4,949	
Texas	372,512	37,488	1
Virginia	0	200,000	1
Washington	198,029	1,971	1
Wisconsin	195,758	4,242	1
Guam	49,959	41	1
Total for fiscal year 1975	6,377,283	1,860,131	35
		18,586	
1976:			
Alaska	248,955	1,045	1
Arizona	246,776	3,224	1
Connecticut	360,786	17,214	1
Georgia	606,867	133	1
Idaho	245,480	4,520	1
Illinois	1,297,038	104,962	1
Indiana	402,469	276,531	1
Massachusetts	683,404	9,068	1
		528	
Missouri	515,164	57,836	1
Montana	177,374	72,626	1
New Hampshire	229,790	20,210	1
New Mexico	237,215	12,785	1
North Dakota	7,080	12,920	1
		230,000	
Rhode Island	242,290	7,710	1
South Carolina	343,383	9,617	1
South Dakota	37,500	212,500	1
Texas	976,000	500,000	1
Washington	417,191	11,809	1
Samoa	56,766	5,234	1
Guam	61,951	49	1
Trust Territory of the Pacific	52,813	9,187	1
Total for fiscal year 1976	7,446,292	1,349,180	21
		230,528	
1977:			
North Dakota	0	200,000	1
South Dakota	56,406	143,594	1
Total for fiscal year 1977	56,406	343,594	2
Total fund type	13,879,981	3,552,905	58
		249,114	

Note: Items retrieved, 58.

LIST OF JJ FUNDS DEOBLIGATED BY FISCAL YEAR AND BY STATE

	Adjusted award	Deobligated amount	Projects deobligated
JJ conc. eff.:			
1977: District of Columbia (total)	$86, 550	$13, 450	1
JJ institute:			
1976:			
Arkansas	79, 443	88, 085	1
California	109, 022	3, 041	1
Iowa	152, 256	560	1
Massachusetts	243, 969	509	1
Michigan	345, 523	4, 477	1
Pennsylvania	351, 144	4	1
Total for fiscal year 1976	1, 281, 357	96, 676	6
1977: Massachusetts (total)	52, 913	16, 249	1
1978:			
Delaware	49, 983	2, 776	1
New York	124, 897	973	1
Total for fiscal year 1978	174, 880	3, 749	2
Total fund type	1, 509, 150	116, 674	9
JJ spec. emph.:			
1976:			
Alaska	14, 165	835	1
Arizona	76, 099	455	1
California	330, 257	12, 492	2
District of Columbia	14, 997	3	1
Florida	53, 999	1	1
Georgia	41, 927	71	1
Hawaii	12, 858	2, 142	1
Illinois	94, 937	879	1
		184	
Indiana	34, 053	12, 947	1
Iowa	23, 636	1, 364	1
Kentucky	21, 663	6, 337	1
Maryland	23, 940	11, 060	1
Massachusetts	190, 732	5, 774	2
Michigan	80, 871	2, 129	1
Minnesota	32, 992	1, 804	1
		204	
Mississippi	15, 658	5, 342	1
Missouri	33, 356	5, 644	1
Nebraska	11, 829	3, 171	1
New Hampshire	135, 405	29, 945	2
North Carolina	23, 602	21, 398	1
North Dakota	14, 543	457	1
Pennsylvania	2, 250, 112	17, 457	2
Rhode Island	14, 962	38	1
South Carolina	1, 418, 284	105, 716	2
South Dakota	9, 584	5, 416	1
Tennessee	23, 313	10, 687	1
Texas	101, 807	193	1
Vermont	14, 654	46	1
		300	
Virginia	37, 176	2, 824	1
Washington	393, 270	14, 698	2
Wyoming	0	15, 000	1
Guam	14, 955	45	1
Puerto Rico	22, 682	7, 318	1
Virgin Islands	13, 942	1, 058	1
Total for fiscal year 1976	5, 596, 260	304, 750	40
		688	
1977:			
Alabama	414, 328	17, 085	1
California	555, 294	49, 831	3
Delaware	5, 533	467	1
Georgia	461, 920	58, 298	2
Kansas	4, 972	28	1
Montana	135, 960	40, 836	1
New York	1, 042, 406	105, 199	3
Pennsylvania	389, 745	11, 970	1
Tennessee	0	8, 888	1
Texas	362, 248	38, 102	1
Washington	502, 255	2, 800	2
Total for fiscal year 1977	3, 874, 661	333, 504	17

See footnotes at end of table.

LIST OF JJ FUNDS DEOBLIGATED BY FISCAL YEAR AND BY STATE—Continued

	Adjusted award	Deobligated amount	Projects deobligated
1978:			
California	23, 265	2, 477	1
Nebraska	86, 866	1, 131	1
New York	309, 278	43, 506	1
Texas	0	92, 382	2
Washington	0	467, 024	1
Total for fiscal year 1978	419, 409	606, 520	6
1979: Massachusetts (total)	87, 176	341, 431	1
Total fund type	9, 977, 506	1, 586, 205 688	64

Note: Item retrieved, 74.

Question 23. Please provide, on a fiscal year basis, a state-by-state allocation of MOE funds, indicating the general categories, projects and dollar amounts.

Response. Attached are charts for fiscal years 1975 through 1980 indicating the state-by-state allocation of maintenance of effort funds to juvenile justice and delinquency prevention programs and projects.

LEAA's maintenance of effort dollars for juvenile justice and delinquency prevention programs and projects are allocated to a wide variety of areas, including prevention, diversion, community-based programs, rehabilitation, training and education for juvenile justice personnel, deinstitutionalization, separation and monitoring. All Crime Control funds counted toward maintenance of effort must be consistent with LEAA/OJJDP proration criteria policy. (Proration criteria attached with question 37.) This policy states that the key concept in reviewing direct service programs and projects for maintenance of effort purposes is that program or project activities be targeted to or provide a specific and identifiable benefit to a juvenile population. For non-service programs and projects, the key concept is that there is a direct and identifiable impact on the juvenile justice system.

Thus, the LEAA maintenance of effort funds provide either direct services to juveniles or have a direct impact on the juvenile justice system. Maintenance of effort funds are being used for programs which are consistent with, and in many cases directly related to, the mandates of the JJDP Act.

MAINTENANCE OF EFFORT

	Total pt. C and E block awards	MOE amount	MOE percent
Fiscal year 1975:			
Alabama	$8, 945, 000	$1, 521, 368	17
Alaska	826, 000	169, 873	20. 6
Arizona	4, 987, 000	985, 923	19. 2
Arkansas	5, 101, 000	894, 211	17. 5
California	51, 850, 000	10, 588, 197	20. 4
Colorado	6, 005, 000	1, 064, 662	17. 7
Connecticut	7, 820, 000	2, 322, 002	29. 7
Delaware	1, 451, 000	353, 470	24. 3
District of Columbia	1, 910, 000	249, 402	13
Florida	18, 664, 000	4, 576, 049	24. 2
Georgia	12, 023, 000	2, 227, 999	18. 5
Hawaii	2, 073, 000	564, 456	27. 2
Idaho	1, 918, 000	471, 977	24. 6
Illinois	28, 563, 000	4, 750, 310	16. 6
Indiana	13, 428, 000	2, 447, 222	18. 2
Iowa	7, 327, 000	683, 214	9. 3
Kansas	5, 762, 000	811, 812	14
Kentucky	8, 398, 000	1, 174, 247	13. 9
Louisiana	9, 496, 000	1, 517, 114	15. 9
Maine	2, 606, 000	693, 323	26. 6
Maryland	10, 283, 000	2, 649, 124	25. 7
Massachusetts	14, 724, 000	3, 652, 442	24. 8
Michigan	22, 898, 000	3, 864, 885	16. 8
Minnesota	9, 849, 000	2, 164, 077	21. 9

MAINTENANCE OF EFFORT—Continued

	Total pt. C and E block awards	MOE amount	MOE percent
Fiscal year 1975—Continued			
Mississippi	5, 731, 000	1, 108, 258	19. 3
Missouri	12, 059, 000	3, 205, 126	26. 6
Montana	1, 819, 000	276, 942	15. 2
Nebraska	3, 882, 000	929, 035	23. 9
Nevada	1, 354, 000	251, 866	18. 6
New Hampshire	1, 966, 000	432, 556	22
New Jersey	18, 669, 000	5, 753, 032	30. 8
New Mexico	2, 734, 000	406, 297	14. 8
New York	46, 658, 000	14, 515, 526	31. 1
North Carolina	13, 263, 000	2, 864, 156	21. 6
North Dakota	1, 611, 000	327, 869	20. 3
Ohio	27, 237, 000	5, 993, 199	22
Oklahoma	6, 688, 000	1, 238, 054	18. 5
Oregon	5, 551, 000	583, 284	10. 5
Pennsylvania	30, 243, 000	7, 786, 019	25. 7
Rhode Island	2, 461, 000	490, 537	19. 9
South Carolina	6, 828, 000	656, 677	9. 6
South Dakota	1, 728, 000	195, 210	11. 3
Tennessee	10, 344, 000	667, 522	6. 5
Texas	29, 478, 000	3, 298, 939	11. 2
Utah	2, [illegible]3, 000	624, [illegible]43	21. 8
Vermont	1, 169, 000	285, 345	24. 4
Virginia	12, 105, 000	1, 766, 869	14. 6
Washington	8, 682, 000	1, 423, 302	16. 4
West Virginia	4, 560, 000	1, 052, 044	23
Wisconsin	11, 498, 000	2, 365, 170	20. 6
Wyoming	879, 000	104, 997	12
Puerto Rico	7, 090, 000	1, 660, 360	23. 4
American Samoa	68, 000		
Guam	213, 000	61, 158	28. 7
Trust territories			
Virgin Islands	58, 000		
Total	536, 500, 000	110, 647, 451	20. 62
Fiscal year 1976:			
Alabama	9, 133, 000	1, 369, 950	15
Alaska	849, 000	297, 150	35
Arizona	5, 339, 000	747, 460	14
Arkansas	5, 241, 000	890, 970	17
California	53, 197, 000	12, 235, 310	23
Colorado	6, 357, 000	1, 779, 960	28
Connecticut	7, 934, 000	1, 983, 500	25
Delaware	1, 475, 000	516, 250	35
District of Columbia	1, 891, 000	661, 850	35
Florida	19, 950, 000	4, 588, 500	23
Georgia	12, 411, 000	3, 102, 750	25
Hawaii	2, 167, 000	823, 460	38
Idaho	1, 999, 000	339, 830	17
Illinois	28, 787, 000	4, 893, 790	17
Indiana	13, 662, 000	2, 732, 400	20
Iowa	7, 375, 000	1, 106, 250	15
Kansas	5, 832, 000	641, 520	11
Kentucky	8, 572, 000	1, 200, 080	14
Louisiana	9, 649, 000	2, 701, 720	28
Maine	2, 676, 000	535, 200	20
Maryland	10, 494, 000	3, 463, 020	33
Massachusetts	14, 937, 000	2, 539, 290	17
Michigan	23, 340, 000	6, 535, 200	28
Minnesota	10, 020, 000	2, 104, 200	21
Mississippi	5, 969, 000	1, 014, 730	17
Missouri	12, 281, 000	3, 070, 250	25
Montana	1, 880, 000	639, 200	34
Nebraska	3, 950, 000	592, 500	15
Nevada	1, 419, 000	312, 180	22
New Hampshire	2, 015, 000	265, 850	13
New Jersey	18, 868, 000	3, 773, 600	20
New Mexico	2, 830, 000	962, 200	34
New York	46, 916, 000	11, 729, 000	25
North Carolina	13, 658, 000	3, 004, 760	22
North Dakota	1, 635, 000	490, 500	30
Ohio	27, 672, 000	7, 471, 440	27
Oklahoma	6, 875, 000	1, 650, 000	24
Oregon	5, 716, 000	743, 080	13
Pennsylvania	30, 554, 000	8, 249, 580	27
Rhode Island	2, 492, 000	398, 720	16
South Carolina	7, 016, 000	1, 613, 680	23
South Dakota	1, 757, 000	298, 690	17
Tennessee	10, 548, 000	1, 371, 240	13

MAINTENANCE OF EFFORT—Continued

	Total pt. C and E block awards	MOE amount	MOE percent
Fiscal year 1976—Continued			
Texas	30, 467, 000	4, 570, 050	15
Utah	2, 962, 000	562, 780	19
Vermont	1, 111, 000	333, 300	30
Virginia	12, 478, 000	2, 994, 720	24
Washington	8, 837, 000	1, 679, 030	19
West Virginia	4, 605, 000	1, 059, 150	23
Wisconsin	11, 682, 000	3, 971, 880	34
Wyoming	908, 000	145, 280	15
Puerto Rico	7, 287, 000	1, 894, 620	26
American Samoa	78, 000		
Guam	240, 000	110, 400	46
Trust Territories			
Virgin Islands	188, 000	26, 320	14
Total	548, 311, 000	122, 788, 340	22. 39
Fiscal year 1977:			
Alabama	5, 828, 000	918, 000	15. 8
Alaska	991, 000	165, 000	16. 6
Arizona	3, 522, 000	931, 131	26. 4
Arkansas	3, 372, 000	776, 774	23
California	341, 034, 000	7, 642, 635	22. 4
Colorado	4, 101, 000	1, 235, 565	30. 1
Connecticut	5, 031, 000	1, 416, 040	28. 1
Delaware	1, 071, 000	235, 820	23
District of Columbia			
Florida	13, 204, 000	3, 622, 322	27. 4
Georgia	7, 951, 000	1, 638, 700	20. 6
Hawaii	1, 538, 000	444, 500	28. 9
Idaho	1, 470, 000	340, 000	23. 1
Illinois	18, 194, 000	4, 782, 448	26. 3
Indiana	8, 662, 000	1, 213, 000	14
Iowa	4, 657, 000	873, 000	18. 7
Kansas	3, 694, 000	461, 224	12. 5
Kentucky	5, 468, 000	1, 190, 000	21. 8
Louisiana	6, 134, 000	1, 466, 240	23. 9
Maine	1, 710, 000	389, 800	22. 8
Maryland	6, 667, 000	1, 625, 900	24. 4
Massachusetts	9, 454, 000	1, 671, 278	17. 7
Michigan	14, 864, 000	2, 142, 000	14. 4
Minnesota	6, 366, 000	1, 779, 266	27. 9
Mississippi	3, 805, 000	623, 480	16. 4
Missouri	7, 780, 000	2, 192, 464	28. 2
Montana	1, 364, 000	322, 500	23. 6
Nebraska	2, 512, 000	1, 293, 257	51. 4
Nevada	1, 057, 000	286, 000	27
New Hampshire	1, 559, 000	644, 500	41. 3
New Jersey	11, 936, 000	3, 121, 000	26. 1
New Mexico	1, 824, 000	612, 622	33. 6
New York	29, 510, 000	8, 397, 000	28. 5
North Carolina	8, 762, 000	2, 220, 000	25. 3
North Dakota	1, 181, 000	240, 000	20. 3
Ohio	17, 518, 000	2, 463, 000	14
Oklahoma	4, 371, 000	1, 054, 274	24
Oregon	3, 676, 000	641, 000	17. 4
Pennsylvania	19, 304, 000	5, 483, 467	28. 4
Rhode Island	1, 529, 000	614, 677	40. 2
South Carolina	4, 524, 000	1, 860, 601	41. 1
South Dakota	1, 265, 000	353, 724	28
Tennessee	6, 764, 000	750, 461	11
Texas	19, 591, 000	4, 734, 370	24
Utah	1, 922, 000	841, 734	43. 8
Vermont	892, 000	185, 694	20. 8
Virginia	8, 005, 000	2, 440, 792	30. 5
Washington	5, 097, 000	1, 065, 566	18. 7
West Virginia	2, 908, 000	738, 670	25. 4
Wisconsin	7, 444, 000	1, 044, 000	14
Wyoming	979, 000	153, 800	15. 7
Puerto Rico	4, 811, 000	1, 393, 015	29
American Samoa	132, 000	22, 500	17
Guam	337, 000	116, 000	34. 4
Trust territories			
Virgin Islands	359, 000	156, 000	43. 5
Total	351, 301, 000	83, 035, 811	23. 6

FISCAL YEAR 1978 MAINTENANCE OF EFFORT

	Pt. C	Pt. E	SSS	Total	MOE amount	MOE percent
Alabama	$4, 403, 000	$499, 000	------------	$4, 902, 000	$938, 733	19. 15
Alaska	444, 000	50, 000	$300, 000	794, 000	176, 665	22. 25
Arizona	2, 694, 000	305, 000	------------	2, 999, 000	655, 745	21. 87
Arkansas	2, 570, 000	291, 000	------------	2, 861, 000	578, 453	20. 22
California	25, 818, 000	2, 925, 000	------------	28, 743, 000	7, 712, 544	26. 83
Colorado	3, 094, 000	351, 000	------------	3, 445, 000	832, 410	24. 26
Connecticut	3, 776, 000	428, 000	------------	4, 204, 000	695, 842	16. 55
Delaware	705, 000	80, 000	74, 000	859, 000	238, 600	27. 78
District of Columbia	867, 000	98, 000	80, 000	1, 045, 000	185, 000	17. 70
Florida	10, 081, 000	1, 142, 000	------------	11, 223, 000	2, 693, 520	24
Georgia	6, 006, 000	680, 000	------------	6, 686, 000	1, 322, 116	19. 77
Hawaii	1, 057, 000	120, 000	------------	1, 177, 000	348, 000	29. 57
Idaho	991, 000	112, 000	40, 000	1, 143, 000	205, 800	18. 05
Illinois	13, 637, 000	1, 545, 000	------------	15, 182, 000	2, 970, 089	19. 56
Indiana	6, 471, 000	733, 000	------------	7, 204, 000	1, 480, 134	20. 55
Iowa	3, 485, 000	395, 000	------------	3, 880, 000	1, 528, 000	39. 38
Kansas	2, 777, 000	315, 000	------------	3, 092, 000	572, 000	18. 50
Kentucky	4, 125, 000	467, 000	------------	4, 592, 000	879, 473	19. 15
Louisiana	4, 635, 000	525, 000	------------	5, 160, 000	997, 244	19. 33
Maine	1, 289, 000	146, 000	------------	1, 435, 000	267, 895	18. 67
Maryland	5, 021, 000	569, 000	------------	5, 590, 000	1, 411, 420	25. 25
Massachusetts	7, 081, 000	802, 000	------------	7, 883, 000	1, 540, 925	19. 55
Michigan	11, 096, 000	1, 257, 000	------------	12, 353, 000	2, 328, 143	18. 85
Minnesota	4, 775, 000	541, 000	------------	5, 316, 000	993, 700	18. 69
Mississippi	2, 851, 000	323, 000	------------	3, 174, 000	525, 859	16. 57
Missouri	5, 806, 000	658, 000	------------	6, 464, 000	1, 676, 013	25. 93
Montana	909, 000	103, 000	53, 000	1, 065, 000	254, 000	23. 85
Nebraska	1, 880, 000	213, 000	------------	2, 093, 000	400, 809	19. 15
Nevada	719 000	81, 000	63, 000	863, 000	170, 420	19. 75
New Hampshire	988, 000	112, 000	40, 000	1, 140, 000	189, 000	16. 58
New Jersey	8, 931, 000	1, 012, 000	------------	9, 943, 000	2, 448, 800	24, 63
New Mexico	1, 393, 000	158, 000	------------	1, 551, 000	446, 000	28. 76
New York	22, 016, 000	2, 494, 000	------------	24, 510, 000	4, 749, 000	19. 38
North Carolina	6, 627, 000	751, 000	------------	7, 378, 000	1, 826, 458	24. 76
North Dakota	776, 000	88, 000	57, 000	921, 000	254, 000	27. 58
Ohio	13, 074, 000	1, 481, 000	------------	14, 555, 000	3, 646, 106	25. 05
Oklahoma	3, 306, 000	375, 000	------------	3, 681, 000	839, 345	22. 80
Oregon	2, 782, 000	315, 000	------------	3, 097, 000	534, 375	17. 25
Pennsylvania	14, 445, 000	1, 637, 000	------------	16, 082, 000	4, 751, 741	29. 55
Rhode Island	1, 134, 000	129, 000	------------	1, 263, 000	251, 160	19. 89
South Carolina	3, 430, 000	389, 000	------------	3, 819, 000	762, 037	19. 95
South Dakota	830, 000	94, 000	48, 000	972, 000	237, 820	24. 47
Tennessee	5, 083, 000	576, 000	------------	5, 659, 000	848, 861	15
Texas	14, 904, 000	1, 689, 000	------------	16, 593, 000	3, 157, 065	19. 03
Utah	1, 465, 000	166, 000	------------	1, 631, 000	655, 662	40. 20
Vermont	575, 000	65, 000	179, 000	819, 000	162, 000	19. 78
Virginia	6, 066, 000	687, 000	------------	6, 753, 000	1, 411, 602	20. 90
Washington	4, 344, 000	491, 000	------------	4, 835, 000	764, 039	15. 81
West Virginia	2, 191, 000	248, 000	------------	2, 439, 000	466, 543	24. 32
Wisconsin	5, 590, 000	633, 000	------------	6, 223, 000	2, 135, 472	22. 47
Wyoming	458, 000	52, 000	291, 000	801, 000	180, 000	22. 47
Puerto Rico	3, 594, 000	407, 000	------------	4, 001, 000	760, 530	19. 01
American Samoa	34, 000	4, 000	92, 000	130, 000	21, 305	16. 39
Guam	121, 000	14, 000	183, 000	318, 000	86, 736	27. 28
Trust territories	144, 000	16, 000	161, 000	321, 000	90, 500	28. 19
Virgin Islands	101, 000	12, 000	203, 000	316, 000	192, 000	60. 76
Total				295, 178, 000	68, 447, 659	22. 51

FISCAL YEAR 1979 MAINTENANCE OF EFFORT FUNDS ALLOCATED TO IMPLEMENT SECS. 223(a) (12), (13), AND (14) OF THE JJDP ACT

	MOE amount	MOE percent	Percent allocated to secs. 223(a) (12), (13), and (14)
Alabama	$950, 798	19. 15	70. 0
Alaska	162, 437	19. 99	63. 6
Arizona	772, 475	27. 28	40. 9
Arkansas	727, 731	25. 33	45. 0
California	5, 796, 670	19. 81	42. 2
Colorado	884, 858	25. 26	31. 0
Connecticut	1, 039, 315	24. 64	30. 0
Delaware	165, 926	19. 16	0
District of Columbia	267, 540	26	75. 0
Florida	2, 611, 650	23	69. 0
Georgia	1, 353, 600	20	45. 0
Hawaii	238, 477	19. 84	53. 2
Idaho	271, 813	23. 6	0
Illinois	2, 916, 354	19. 15	9. 0
Indiana	1, 411, 701	19. 53	44
Iowa	889, 656	22. 76	27
Kansas	589, 821	19. 15	74
Kentucky	980, 280	21	65
Louisiana	1, 042, 798	19. 81	20
Maine	313, 040	21. 5	29
Maryland	1, 895, 218	33. 8	75. 0
Massachusetts	1, 666, 138	21. 61	16. 4
Michigan	3, 712, 260	29. 97	11. 0
Minnesota	1, 065, 453	19. 82	3
Mississippi	867, 510	27	90
Missouri	1, 387, 269	21. 3	12
Montana	216, 340	20. 45	20. 0
Nebraska	434, 032	20. 58	100. 0
Nevada	208, 573	23. 3	0
New Hampshire	245, 745	21. 5	63. 0
New Jersey	2, 569, 800	26	39. 0
New Mexico	379. 293	23. 8	60. 0
New York	4, 699, 027	19. 15	------------
North Carolina	1, 802, 048	24. 27	92. 0
North Dakota	179, 338	19. 16	10. 0
Ohio	3, 672, 420	25. 24	85. 0
Oklahoma	810, 766	21. 54	15. 0
Oregon	682, 674	21. 5	50. 0
Pennsylvania	3, 371, 430	21	0
Rhode Island	247, 920	19. 46	24. 0
South Carolina	811, 230	21	87. 0
South Dakota	310, 636	33. 33	12. 0
Tennessee	1, 150, 600	20	50. 0
Texas	3, 952, 966	23. 11	30. 0
Utah	674, 622	40. 3	55. 0
Vermont	160, 576	19. 3	60. 0
Virginia	1, 568, 684	25. 5	15. 0
Washington	956, 036	19. 52	0. 0
West Virginia	552, 194	22. 19	38. 0
Wisconsin	2, 512, 615	40. 08	62. 0
Wyoming	161, 400	20	10. 0
Puerto Rico	873, 800	20	75. 0
American Samoa	42, 000	32. 2	100. 0
Guam	51, 869	19. 15	71. 0
Trust territories	65, 200	20, 37	0
Virgin Islands	112 800	38	100. 0
Northern Marianas	34, 300	27. 7	30. 0
Total	67, 530, 659	22. 61	------------

FISCAL YEAR 1980 MAINTENANCE OF EFFORT FUNDS, INCLUDING THOSE ALLOCATED TO IMPLEMENT SECS. 223(a) (12), (13), AND (14) OF THE JJDP ACT

	Action	MOE amount	MOE percent	Percent allocated to secs. 223(a) (12), (13), and (14)
Alabama	$3, 476	$565, 634	19. 15	
Alaska	413	107, 080	25. 9	70. 0
Arizona	2, 181	71, 002	21. 5	56. 0
Arkansas	2, 038	494, 826	24. 28	50. 0
California	20, 474	(1)	(1)	(1)
Colorado	2, 480	590, 240	23. 8	20. 0
Connecticut	2, 930	879, 000	30	50. 0
Delaware	571	115, 188	19. 15	0
District of Columbia	668	216, 503	21. 8	83. 0
Florida	7, 936	[2] 2, 625, 790	23	18. 0
Georgia	4, 737	970, 130	20	15. 0
Hawaii	860	165, 000	19. 19	60. 0
Idaho	827	158, 370	19. 15	35. 0
Illinois	10, 516	[2] 2, 619, 816	19. 15	15. 0
Indiana	5, 025	[2] 1, 242, 354	19. 83	15. 0
Iowa	2, 726	[3] 733, 065	21. 16	58. 0
Kansas	2, 195	420, 343	19. 15	79. 0
Kentucky	3, 267	625, 630	19. 15	17. 0
Louisiana	3, 698	146, 088	20. 17	25. 0
Maine	1, 040	206, 891	19. 89	21. 0
Maryland	3, 892	963, 454	24. 8	75. 0
Massachusetts	5, 424	1, 055, 836	19. 46	20. 0
Michigan	8, 574	[2] 2, 362, 850	20	11. 0
Minnesota	3, 745	[3] 964, 656	20. 25	15. 0
Mississippi	2, 257	[3] 645, 164	19. 15	10. 0
Missouri	4, 532	914, 302	20. 17	9. 0
Montana	743	153, 503	20. 66	15. 0
Nebraska	1, 480	[3] 306, 072	20. 56	100. 0
Nevada	622	164, 228	26. 4	19. 8
New Hampshire	821	157, 769	19. 22	31. 0
New Jersey	6, 883	1, 873, 975	27. 23	29. 0
New Mexico	1, 145	274, 456	23. 97	27. 0
New York	16, 779	3, 272, 000	19. 48	72. 9
North Carolina	5, 180	1, 142, 837	22	19. 0
North Dakota	634	143, 284	22. 6	10. 0
Ohio	10, 019	[2] 2, 787, 350	21. 8	65. 0
Oklahoma	2, 659	509, 703	19. 17	12. 0
Oregon	2, 256	432, 024	19. 15	13. 2
Pennsylvania	11, 047	3, 055, 217	22	35. 0
Rhode Island	903	176, 085	19. 5	29. 0
South Carolina	2, 717	[3] 665, 319	19. 15	11. 5
South Dakota	670	131, 990	19. 7	11. 0
Tennessee	4, 037	[2] 1, 042, 805	20	18. 0
Texas	11, 991	2, 392, 204	19. 95	29. 0
Utah	1, 214	320, 098	26. 44	32. 0
Vermont	478	91, 537	19. 15	40. 0
Virginia	4, 788	1, 139, 597	20. 9	15. 0
Washington	3, 466	677, 128	19. 53	0
West Virginia	1, 758	442, 605	20. 38	37. 0
Wisconsin	4, 366	941, 724	21. 56	39. 0
Wyoming	407	88, 278	21. 6	39. 0
Puerto Rico	3, 022	955, 526	22	26. 0
American Samoa	128, 600	24, 637	19. 15	30. 8
Guam	141, 275	66, 004	46. 7	0
Trust territories	145	[3] 192, 235	20. 22	0
Virgin Islands	116	70, 000	37	0
Northern Marianas	64, 000	[3] 8, 000	12. 5	0
Total	207, 162, 000	43, 567, 402	21. 03	

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[1] Information not available within OJJDP. Special condition applied to pt. D award and State has not responded.

[2] These figures were based upon a much higher allocation of pt. D funds than was eventually approved by the President's budget. A revised lower figure is to be submitted in the near future.

[3] Agency has been informed that amount is unsatisfactory. Expect revised data in the near future.

Question 24. Please provide for the New Pride Youth Advocacy and Alternative Education Programs the dates that guidelines were:

(a) Submitted by OJJDP for internal clearance and the dates which clearance and the dates such clearance was completed;

(b) Submitted by OJJDP to the LEAA Administrator; and

(c) Published by LEAA in the Federal Register.

The following are the requested dates:

	Dates			
	Entered in internal clearance	Entered in external clearance	To LEAA Administration	Published in Federal Register
New Pride	Feb. 9, 1979	Apr. 25, 1979	June 20, 1979	July 3, 1979
Youth Advocacy	Feb. 26, 1979	June 15, 1979	Oct. 1, 1979	Oct. 12, 1979
Alternative Education	Aug. 22, 1979	Oct. 15, 1979	Feb. 8, 1980	Feb. 12. 1980

Question 25. As you know, the states received a Children-in-Custody supplement in 1978. Please provide a state-by-state allocation of these funds, indicating amounts and projects obligated to date.

Response. A total of $10,133,000 was made available to states participating in the JJDP Act as a supplement to their fiscal year 1978 Formula Grant. A breakdown of that amount is attached. These funds lost their identity as soon as they were accepted by the state planning agencies. They became part of the over-all fiscal year 1979 Formula Grant. As they did lose their identity we cannot specifically identify either how much of the supplemented funds have been obligated or for what specific purposes. The total amount of fiscal year 1978 Formula funds obligated is found as Attachment No. 2.

	Percent of U.S. pop./18	Share of $10, 133, 000
Alabama	1. 792	$182, 000
Alaska	. 203	21, 000
Arizona	1. 130	115, 000
Arkansas	1. 017	103, 000
California	9. 677	981, 000
Colorado	1. 222	124, 000
Connecticut	1. 409	143, 000
Delaware	. 281	28, 000
District of Columbia	. 305	31, 000
Florida	3. 564	361, 000
Georgia	2. 487	252, 000
Hawaii	. 430	44, 000
Idaho	. 424	43, 000
Illinois	5. 324	539, 000
Indiana	2. 608	264, 000
Iowa	1. 362	138, 000
Kansas	1. 029	104, 000
Kentucky	1. 647	167, 000
Lousiana	2. 007	203, 000
Maine	. 512	52, 000
Maryland	1. 961	199, 000
Massachusetts	2. 640	268, 000
Michigan	4. 592	465, 000
Minnesota	1. 925	195, 000
Mississippi	1. 261	128, 000
Missouri	2. 196	223, 000
Montana	. 374	38, 000
Nebraska		
Nevada		
New Hampshire	0. 393	$40, 000
New Jersey	3. 377	342, 000
New Mexico	. 625	63, 000
New York	8. 141	825, 000
North Carolina	2. 615	265, 000
North Dakota		
Ohio	5. 190	526, 000
Oklahoma		
Oregon	1. 040	105, 000
Pennsylvania	5. 283	535, 000
Rhode Island	. 418	42, 000
South Carolina	1. 440	146, 000
South Dakota		
Tennessee	1. 974	200, 000
Texas	6. 119	620, 000
Utah	. 688	70, 000
Vermont	. 227	23, 000
Virginia	2. 346	238, 000
Washington	1. 653	167, 000
West Virginia	. 836	85, 000
Wisconsin	2. 247	228, 000
Wyoming		
Puerto Rico	1. 797	182, 000
American Samoa	. 024	2, 000
Guam	. 064	6, 000
Trust Territories	. 044	4, 000
Virgin Islands	. 079	8, 000
Northern Marianas		

Question 26. It has been reported that several states have not submitted fiscal year 1980 plans. Please explain to the Committeee what the current policy is in terms of termination of funds in such instances.

Response. Only one of the states participating in the JJDP Act has not submitted a 1980 plan. This state has had a problem in balancing the type of facilities needed to maximize the DSO and separation requirements of the Act. The plan is now undergoing final revisions and will be on its way to OJJDP within the next two weeks.

There has not been a specific termination policy developed for states that may need additional time to prepare appropriate and adequate plans.

States failing to submit their plans on the due date are contacted to determine the reasons for late submission and to set a date when the plan will be submitted. In any case, a state failing to submit a JJDP comprehensive plan and application for a particular fiscal year funding will be notified through normal channels and procedures that their formula grants funds will be reverted to Special Emphasis for reprogramming prior to the end of that fiscal year in order to insure that carryover of formula funds will not occur.

Question 27. Is it true that all requests for technical assistance from OJJDP must be submitted to the SPA in question?

Response. This is an incorrect statement. There is no requirement that technical assistance requests to OJJDP go through the SPA. The present role of the SPAs in technical assistance is to review and coordinate needs which are being submitted by that state and to decide whether to respond to it in-state or submit it to OJJDP. This happens to varying degrees across the states. Rarely, however, do SPAs refrain from forwarding requests to OJJDP. When we attempt to keep the SPA apprised of technical assistance needs from their states which are submitted directly to OJJDP, we do not require that TA requests be submitted directly to the SPA nor do we reject them if they are not.

Question 28. Please explain whether LEAA or OJJDP may exercise the final decision in terms of termination of formula grants. Additionally, please provide any other limitation on the authority of OJJDP in the instance of the formula grants.

Response. The delegation of authority to the Administrator, OJJDP, is I 1310.40B, issued January 4, 1978. That Instruction authorizes the Administrator of OJJDP to:

"Approve, award, administer, modify, extend, terminate, monitor and evaluate grants within program areas of assigned responsibility and to reject or deny grant applications submitted to LEAA within assigned programs . . ."

The delegation specifically authorizes the Administrator of OJJDP to reject or deny formula grant applications, to approve and award formula grants, and to modify or extend awards within specified parameters. In addition, the OJJDP Administrator is authorized to approve the use of formula grant funds as match for other Federal programs and for construction of innovative community-based facilities.

Finally, LEAA Instruction I 4050.1, August 8, 1978, authorizes the termination of individual grant awards by office heads. This Instruction applies to juvenile justice formula grants as well as to categorical or project grant awards. However, because of the impact of a formula grant termination, consultation with and concurrence by the Administrator of LEAA would generally precede a notice to terminate a formula grant award.

Question 29. What happened to the OJJDP Children-in-Custody, Part II, program approved by James Gregg, designed to provide incentive grants to assist with compliance of sections 223(a)(12) and (13)? (See Federal Register, 7-27-78).

Answer. The Federal Register of July 7, 1978 concerned itself with request for public comments on the Draft Fiscal Year 1979 Guide for Discretionary Programs. It should be emphasized that the Discretionary Grant Guide was merely a draft placed in the Federal Register to solicit comments from interested parties. OJJDP stated that it was their intention to provide discretionary funding for projects which fall basically within the three following major program areas:

1. Programs to aid Deinstitutionalization and Separation.
2. Youth Advocacy.
3. Unsolicited Pilot Projects.

The OJJDP portion of the draft Discretionary Grant Guide presented only general information on the above named program areas. Specific information was not available.

Information in the Federal Register which pertained to Programs to Aid Deinstitutionalization and Separation was sketchy and brief. The Federal Register merely stated that we were considering three types of programs under the category of Deinstitutionalization and Separation. These programs were: State and Local Interagency Coordination to Support Deinstitutionalization; Project New Pride; and Children-in-Custody Alternative Program.

No specific concerning the Children-in-Custody Program were ever developed. The program was never formally developed for the following reasons:

1. The initial Children-in-Custody Program was a non-competitive program. The agency and the office adopted a policy of open competition for all programs. This policy was inconsistent with the Children-in-Custody Program.

2. The Administrator of OJJDP did not formally request staff to proceed with the further development of the Children-in-Custody Program. Although there were some discussions concerning the development of a Children-in-Custody Incentive Program, the discussions never proceeded beyond the talking stage.

3. Expenditure of fiscal year 1978 funds was greater than anticipated, therefore all programs contemplated for fiscal year 1979 could not be funded. Priorities were given to programs with developed guidelines i.e. Restitution and unsolicited pilot projects.

Question 30. A major OJJDP Initiative "Target-Youth Violence" was announced at the 1979 mid-year convention of state and local criminal justice planners. Please provide the Committee with the current progress of this Initiative.

Answer. The Program Guideline for the Youth Violence National Initiative was signed by the OJJDP Administrator on March 18, 1980, and forwarded to the LEAA Administrator for signature the same day. It should appear in the Federal Register for comment not later than March 26, 1980. $5,289,609 has been allocated for this initiative, and a cooperative agreement and a contract will be made by September 30, 1980. The grantee and contractor will assist OJJDP in identifying successful program models. Contracts for project implementation will be made by the prime grantee and contractor after these models have been identified as a result of an RFP published in the Federal Register and the Commerce Business Daily.

This was a speech that discussed the need for such an Initiative. Planning for a program targeting serious/violent juvenile offenders began in 1979 with an extensive survey of theoretical and empirical literature on serious juvenile crime, and of programs for serious juvenile offenders. In light of the questions and issues raised by this assessment and by other research OJJDP convened a Special National Workshop composed of researchers, lawyers, public interest group representatives and practitioners to seek recommendations on objectives and strategies for a Research and Development Program.

The Working Group identifies two major areas of investigation: (1) the development of effective methods for processing and reintegrating the violent juvenile offender, and (2) the prevention of violent crime by juveniles in communities experiencing a high incidence of serious crime. The group also recommended that OJJDP undertake a public education initiative on serious/volent juvenile crime.

OJJDP has developed plans for a two part R&D program focused on the violent juvenile offender and violent juvenile crime.

The major objectives of Part One are:

(1) To test program models for treatment and reintergration that are designed to reduce violent crimes committed by youth on the program.

(2) To test strategies for increasing the capacity of the juvenile justice system to handle violent offenders fairly, efficiently and effectively.

The major objectve of Part Two is to identify promising community group prevention models and test these in selected jurisdictions.

It is anticipated that the program announcement will be published in the Federal Register around May 1, 1980. The recommendations concerning public education is being implemented under the NIJJDP training and information dissemination program.

Question 31. Under the 1977 Amendments, planning and administration funds were cut by 50 percent to 7½ percent of the State allotment effective October 1. 1978. Please provide a state-by-state allocation for such funds for fiscal year 1979 and for all formula grants approved to date in fiscal year 1980.

In fiscal year 1979 each of the 51 participating States used 7½ percent of the Formula Grants (listed hereon) for planning and administration and provided the dollar-for-dollar match.

All of the 1980 awards made to date also used 7½ percent of the Formula Grant awards for planning and administration with a dollar-for-dollar match.

	1979	1980
Alabama	$1,101,000	$1,101,000
Alaska	225,000	225,000
Arizona	701,000	704,000
Arkansas	616,000	624,000
California	5,949,000	6,013,000
Colorado	755,000	759,000
Connecticut	853,000	835,000
Delaware	225,000	225,000
District of Columbia	225,000	225,000
Florida	2,165,000	2,142,000
Georgia	1,519,000	1,533,000
Hawaii	268,000	269,000
Idaho	262,000	272,000
Illinois	3,255,000	3,234,000
Indiana	1,578,000	1,573,000
Iowa	825,000	820,000
Kansas	635,000	635,000
Kentucky	1,011,000	1,014,000
Louisiana	1,239,000	1,259,000
Maine	313,000	316,000
Maryland	1,192,000	1,169,000
Massachusetts	1,583,000	1,550,000
Michigan	2,753,000	2,730,000
Minnesota	1,173,000	1,161,000
Mississippi	770,000	782,000
Missouri	1,333,000	1,328,000
Montana	227,000	228,000
Nebraska		
Nevada		
New Hampshire	$239,000	$245,000
New Jersey	2,043,000	2,020,000
New Mexico	386,000	390,000
New York	4,919,000	4,839,000
North Carolina	1,588,000	1,593,000
North Dakota		
Ohio	3,114,000	3,086,000
Oklahoma		
Oregon	644,000	653,000
Pennsylvania	3,201,000	3,144,000
Rhode Island	252,000	251,000
South Carolina	881,000	885,000
South Dakota		
Tennessee	1,204,000	1,219,000
Texas	3,797,000	3,892,000
Utah	430,000	452,000
Vermont	225,000	225,000
Virginia	1,434,000	1,443,000
Washington	1,020,000	1,026,000
West Virginia	513,000	525,000
Wisconsin	1,355,000	1,350,000
Wyoming		
Puerto Rico	1,353,000	1,353,000
American Samoa	56,250	56,250
Guam	56,250	56,250
Trust territories	56,250	59,000
Virgin Islands	56,250	56,250
Northern Marianas	56,250	56,250
Total	61,630,250	61,620,000

Formula awards not approved to date.

Question 32. Please provide the following information as of May 1, 1979 for each OJJDP Division:

(a) The name, number and amount of each grant, cooperative agreement or contract:

(1) awarded;

(2) awaiting LEAA Administrator approval;

(3) pending with the LEAA Grant and Contract Action Board; and,

(4) forwarded to the LEAA Office of Comptroller by OJJDP.

Applicant and project title	Awarded	Number	Funds
Applications in process on May 1, 1979:			
COSSMHO, Washington, D.C., National Hispanic Project.	Oct. 1, 1979	9-0299-4-DC-JJ	$613,418
Project Heavy-Central City, Inc., PCP Intervention	June 4, 1979	9-0130-3-CA-JJ	299,644
Center for Human Services, National School Resource Network.	June 1, 1979	9-0100-2-DC-JJ	2,499,912
Joint Center for Community Studies, Reduction of Gang Violence in Schools.	June 6, 1979	8-2140-1-CA-JJ	488,602
National Conference of Black Lawyers, Juvenile Justice Advocacy Project.		9-0377-6-NY-JJ	253,671
Youth Identity Program, Inc., Surrogate Family Project.	Withdrew	9-0316-1-NY-JJ	277,280
The Wiltwyck School, New York, Community Alternatives for Youth.	June 1, 1979	9-0314-6-NY-JJ	455,769
Big Brothers/Big Sisters of America, Affiliated Agency Capacity Bldg.	do	9-0090-0-PA-JJ	266,029
Rosebud Sioux Tribe, South Dakota, Youth Diversion Program.	July 1, 1979	8-2166-5-SD-DF	211,372
League to Improve the Community, Family and Youth Counseling Services.	Rejected	9-0317-4-IL-JJ	268,607
Total			6,527,880
Applications pending rejection:			
South Carolina Department of Youth Services, Juvenile Restitution Program.		8-1908-0-SC-JJ	390,982
Colorado District Attorney's Council, Youth Restitutuon Progjam.		8-2082-7-CO-JJ	263,745
City of Albuquerque, Paer Counseling		9-0328-0-NM-JJ	51,223
Dallas County Community Action, Endangered Youth Program.		9-0351-2-TX-JJ	178,040

Question 32. Please provide the following information as of May 1, 1979 for each OJJDP Division:

a. The name, number and amount of each grant, cooperative agreement or contract for the Formula Grants and TA Division.

Awarded:

79–JA–AX–0003—University of Illinois-Champaign-Urbana DSO Data Verification.

79–JS–AX–0003—National Center on Institutional Alternatives, Inc. Juvenile Alternatives Correctional Treatment System Awarded January 1, 1979—Period to June 30, 1980—$1,186,619.

79–JS–AX–0025—Legal Services for Children, Inc. (CA) Legal Services for Children. Awarded July 12, 1979—Period to July 8, 1980—$263,094.

79–JS–AX–0027—Youth Network Council, Inc. Illinois Collaboration on Youth. Awarded July 30, 1979—Period August 1, 1979 to July 31, 1980—$470,211.

79–DF–AX–0071—Office of the Governor—New Hampshire Comprehensive Office of Children and Youth. Awarded June 1, 1979—Period July 1, 1979 to June 30, 1980—$286,000.

80–JA–AX–0001—Legis Fifty/Center for Legislative Improvement, Legislative Technical Assistance Project—Awarded November 27, 1979—Period December 1, 1979 to November 30, 1980—$114,395.

80–JA–AX–0003—University of Illinois, Urbana Separation of Juvenile/Adult Offenders. Awarded February 29, 1980—Period February 14, 1980 to July 30, 1980—$70,000.

80–JS–AX–0007—National Youth Workers Alliance, 4th Annual National Youth Workers Conference. Awarded February 26, 1980—Period March 1, 1980 to August 31, 1980—$63,000.

Awaiting LEAA Administrator's approval: None.

Pending with LEAA grant and contract action board. Application—University of Notre Dame Support of Advocacy Programs. Period—$350,000.

Application—Project New Pride, Inc. Technical Assistance to 10 Replication Projects. Period—$500,000.

Forwarded to LEAA Office of the Comptroller by OJJDP: None.

C 32. Please provide the following information as of May 1, 1979 for each OJJDP Division:

(a) The name, number and amount of each grant, cooperative agreement or contract:

(1) awarded;
(2) awaiting LEAA administrator approval;
(3) pending with the LEAA Grant and Contract Action Board; and
(4) forwarded to the LEAA office of Comptroller by OJJDP.

Additionally, provide the date and amount of each final award and the type of funds for all included grants and contracts.

79–JN–AX–0019—Department of Mental Health, Development Disabilities (Transition to Junior High and the Deviance Process). Amount: $257,327; Awarded: June 28, 1979, July 1, 1979, June 30, 1980.

79–JN–AX–0020—American Institutes for Research (Continuing Follow-up Study to the UDIS Program Evaluation). Amount: $26,434; Awarded: June 28, 1979, July 1, 1979, April 1, 1980.

79–JN–AX–0021—Blackstone Institute (Continuing of Community Agencies; Response to Delinquent Youth). Amount: $136,708; Awarded: July 26, 1979, July 8, 1979, August 7, 1980.

79–JN–AX–0022—University of Wisconsin at Milwaukee (Teenager's Attitudes Towards Rape). Amount: $177,700; Awarded: August 7, 1979, September 1, 1979, February 29, 1981.

79–JN–AX–0023—President, Fellows of Harvard College (Secure Care Community Base Correctional System: Conflict in Disposition). Amount: $192,777; Awarded: August 9, 1979; August 1, 1979, July 31, 1980.

79–JN–AX–0024—Aspira, Incorporated of Pennsylvania (Choice of Non-Delinquent Careers). Amount: $162,980; Awarded: August 27, 1979, September 1, 1979, August 31, 1980.

79–JN–AX–0025—Institute of Judicial Administration (Juvenile Justice Standards Project—Revisions). Amount: $142,190; Awarded: August 27, 1979, April 1, 1979, March 31, 1980.

79–JN–AX–0026—University of Georgia (Evaluation Deinstitutionalization of Status Offenders: Pima County). Amount: $28,208; Awarded; August 28, 1979, September 1, 1979, August 31, 1980.

79-JN-AX-0027—National Center for Juvenile Justice (Comparative Analysis of Juvenile and Family Codes). Amount: $58,075; Awarded: September 4, 1979, September 1, 1979, August 31, 1980.

79-JN-AX-0028—Institute of Policy Analysis (Assess Implementation, Impact, Juvenile Justice Legislation, Related Programs). Amount: $299,927; Awarded: September 12, 1979, September 4, 1979, March 3, 1981.

79-JN-AX-0029—The URSA Institute (Juvenile Parole Research Project). Amount: $199,985: Awarded: September 24, 1979, October 1, 1979, March 31, 1981.

79-JN-AX-0030—University of Michigan (Female Delinquency Multi-Level Analysis). Amount: $135,352; Awarded: September 27, 1979, September 24, 1979, September 30, 1980.

79-JN-AX-0031—Pacific Institute for Research, Evaluation (Evaluation of Denver Project New Pride Replication Program). Amount: $299,945; Awarded: September 29, 1979, September 30, 1979, September 29, 1980.

79-JN-AX-0032—University City Science Center (Evaluation of Philadelphia Child Advocacy Unit). Amount: $74,832; Awarded: September 30, 1979, October 1, 1979, May 30, 1980.

79-JN-AX-0033—Boston College Law School (The Children's Hearings in Scotland). Amount: $44,249; Award: September 30, 1979, November 2, 1979, April 30, 1980.

79-JN-AX-0034—University of Denver (A Study of Juveniles in a Suburban Court). Amount: $298,947; Awarded: September 30, 1979, January 1, 1979, December 30, 1981.

79-JN-AX-0035—Coalition of Indian Contl School Boards (American Indian Juvenile Delinquency Research Project). Amount: $367,178; Awarded: September 30, 1979, January 1, 1979, June 30, 1981.

79-JN-AX-0036—Social Science Education Consortium, Inc. (Evaluation of Law-Related Education Programs). Amount: $386,395; Awarded: September 30, 1979, October 1, 1979, September 30, 1980.

Contract #J-LEAA-023-77.

Contractor: Aspen Systems Corporation.

Title: Contract Modification for Enhanced National Criminal Justice Reference Service Juvenile Justice Capability.

Amount: $236,277.

Awarded: August 14, 1979.

Period:

79-JN-AX-0009(S-1)—Institute for Policy Analysis (National Evaluation of Juvenile Restitution Projects). Amount: $649,998; Awarded: December 29, 1980, January 29, 1979, December 30, 1980.

78-JN-AX-0016—Social Action Research Center (Umbrella Evaluation for the Schools Initiative: Phase II) Amount: $435,000; Awarded: February 21, 1980, April 19, 1978, January 15, 1981.

78-JN-AX-0017—National Council of Juvenile and Family Court Judges (Juvenile Information System Requirements Analysis (JISRA) Phase III). Amount: $196,309; Awarded: February 14, 1980, June 9, 1978, August 31, 1980.

80-JN-AX-0001—New England Medical Center Hospital (Sexually Exploited Children: Research, Development Project). Amount: $236,252; Awarded: October 19, 1979, November 1, 1979, September 20, 1980.

80-JN-AX-0002—National Urban league, Incorporated (Study: School Discipline—Involvement in Juvenile Justice System). Amount: $252,588, Awarded: December 17, 1979, January 1, 1980, December 31, 1981.

C.33. Please provide an update of the "Categorical Grants of OJJDP" printout, including all of fiscal year 1979 and all awards as March 1, 1980.

Please see attached.

Question 35. Please provide a history of the OJJDP administrative budget and its relationship to the total LEAA administrative budget.

Response. The OJJDP administrative budget compares to the total LEAA administrative budget as follows:

	LEAA	OJJDP[1]	Percent of LEAA
1975	$21,500,000	$64,600	0.03
1976	30,192,000	1,190,000	4
1977	25,864,000	1,289,800	5
1978	26,844,000	1,635,000	
1979	24,792,000	1,622,000	6.5

[1] Excludes printing, payroll, space, penalty mail, telephones and other overhead costs which are charged to the LEAA indirect account.

Question 37. Please provide all memoranda relevant to the implementation of the MOE requirement for fiscal year 1980 and 1981 and to the development of MOE regarding all of OJARS for fiscal year 1982. Indicate the amounts involved by category (BJS, NIJ, Management and Operations, etc.)

Indicate the role of OJJDP in the MBO process and allocation and monitoring of these funds. Additionally, provide an explanation of the $5 million designated MOE under the new part E funds as indicated on page 14 of the December 1979 management briefs.

Response. LEAA has no written policy on MOE related to implementation of the JSIA for fiscal year 1980 and 1981, other than the draft regulations for formula grants for criminal and juvenile justice.

These regulations were published for comment in the January 14, 1980, Federal Register, and are currently being finalized. The proposed language is attached as it pertains to MOE. In brief, the draft regulations require that states must expend at least 19.15 percent of their total annual Part D allocation under the JSIA for juvenile justice and delinquency prevention related programs and projects. The draft regulations indicate that MOE funds be expended primarily for programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult. The final regulations will further clarify and operationalize this requirement by indicating that at least 50 percent of all MOE funds be devoted to services for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult. The draft regulations further include LEAA's criteria for prorating portions of programs related to juvenile justice. This criteria requires that the proration of projects for MOE purposes should be based, at a minimum, on an identification of specific, direct and identifiable activities which benefit a juvenile population or system component.

The fiscal year 1978 MOE Report, issued in July 1979, details the agency's process for determining the MOE level and includes the proration criteria which have now been incorporated into regulations. A copy of the MOE Report for fiscal year 1978 is attached. In fiscal year 1978, a total of $117,933,532, or 22.27 percent, was allocated to MOE. This was $16,519,532 in excess of the mandated MOE requirement. The MOE Report for fiscal year 1979 will be issued by the end of April 1980.

The USIA does not require that MOE be applied on a budget category or organization basis. Rather, this requirement, Section 1002 of the JSIA, applies to all appropriations under Title I of the Act in the aggregate. OJJDP is working on drafting agency guidelines for implementation of Section 527 of the JJDP Act and Section 820 of the JSIA. It is anticipated that these guidelines will provide an OJJDP role in reviewing MBO formulations by other LEAA program offices.

Based on determinations by LEAA. $5 million of new Part E funds were allocated to OJJDP as part of MOE. OJJDP will be responsible for the programming and award of these funds. $4.3 million has been earmarked for the initiative for Removing Children from Adult Jails and Lock-Ups. $700,000 has been awarded to the Legis 50 Model Committee Staffing Project in Juvenile Justice. It should be noted that the Part E restrictions under the JSIA are not enforced in this initial year of award of these funds.

[From the Federal Register, vol. 45, No. 9, Monday, Jan. 14, 1980]

SECTION 31.302—ADEQUATE SHARE

Section 403(a)(5) of the JSIA requires that an adequate share of Part D formula grant monies shall be allocated to courts, corrections, police, prosecution, and defense programs. Further, Section 402(c)(4)(5) requires that entitlement jurisdictions assure adequate funding for courts and corrections programs, based on their share of courts and corrections expenditures.

(a) As part of the comprehensive State application, State Councils shall assure that an adequate share of Part D funds is available for courts, corrections, police, prosecution and defense programs. Adequate share shall be interpreted to mean that a reasonable portion of Part D monies is allocated annually to each of these components relative to their percentage of total State and local criminal justice expenditures, unless deviations are justified. Adequate share does not mean that any particular criminal justice component is entitled to a fixed portion of formula grant monies. In determining whether or not courts, corrections, police, prosecution and defense programs have received an adequate share of annual Part D allocations, LEAA shall consider the needs and problems identified by the State's analysis; the priorities of the State Council, JCC and local entitlements; previous and projected allocations of LEAA formula grant monies to these components and the need to remedy any past inequities; and actual or projected investments of State and local or other Federal resources. State Councils may establish such regulations as are necessary and consistent with this requirement in order to assure compliance.

(b) Entitlement jurisdictions shall also assure an adequate share of Part D monies for courts, corrections, police, prosecution and defense programs. Adequate share shall be interpreted to mean that a reasonable portion of Part D monies is allocated to each of these components relative to their percentage of the entitlement's total criminal justice expenditures, unless deviations are justified.

(c) Subsequent to final appropriations and at the time revised annual fiscal year budgets are submitted to LEAA, State Councils shall present evidence of compliance with this requirement including the amount and percent of Part D monies allocated to each of these components compared to their share of State and local criminal justice expenditures, with justification for any significant deviations between these ratios. Compliance shall be determined annually.

SECTION 31.503—JUVENILE JUSTICE MAINTENANCE OF EFFORT

States must expend at least 19.15 percent of their total annual Part D allocation under the JSIA for juvenile justice and delinquency prevention related programs and projects. States may expend more than this required minimum at their discretion. States must assure that at a minimum they have allocated 19.15 percent of their formula grant funds for planning and administrative activities for juvenile justice.

(a) State Councils must further assure that the minimum 19.15 percent of Part D funds spent for juvenile justice is expended primarily for programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult (Sec. 1002 of the JSIA).

(b) The comprehensive State application must clearly identify those programs proposed for Part D funding which are in whole or in part related to juvenile justice and delinquency prevention and indicate the percent and amount of the total annual Part D allocation to be spent for juvenile justice.

(c) States may prorate portions of programs which are related to juvenile justice. The key concept in reviewing direct service programs and projects for maintenance of effort purposes should be whether activities to be undertaken under a program or project are targeted to or provide a specific and identifiable benefit to a juvenile population. For other non-service programs and projects the test is whether there is a direct and identifiable impact on the juvenile justice system. Thus, proration of projects for maintenance of effort purposes should be based, at a minimum, on an identification of specific, direct and identifiable activities which benefit a juvenile population or system component. Individual States are free to use strict or proration criteria.

(d) State Councils in order to meet the maintenance of effort requirement, may require that entitlement areas expend a reasonable share of entitlement Part D funds for juvenile justice programs. A determination of a reasonable share may be based upon the proportion juvenile justice expenditures bear to the entitlement jurisdiction(s) total crimnal justice expenditures or upon any other equitable formula agreed to by the State and the entitlement.

(e) Prior OJJDP approval is necessary for any reprogramming of Part D funds out of juvenile justice. OJJDP should be notified of any reprogramming that increases the maintenance of effort level for a specific State.

Office of Juvenile Justice and Delinquency Prevention Law Enforcement Assistance Administration

MAINTENANCE OF EFFORT REPORT FOR FICAL YEAR 1978—PREPARED BY OJJDP MAINTENANCE OF EFFORT TASK FORCE

Section 261(b) of the Juvenile Justice and Delinquency Prevention Act and Section 520(b) of the Omnibus Crime Control and Safe Streets Act require that "the Administration shall maintain from the appropriation for LEAA, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs." The Conference Report on the 1977 Amendments to the JJDP Act indicates that each Crime Control Act program component or activity, including, but not limited to, all direct assistance, all collateral assistance, and management and operations, allocate at least 19.15 percent of its resources for juvenile justice and delinquency prevention programs.

In order to assess the maintenance of effort (MOE) level for 1978, the Office of Juvenile Justice and Delinquency Prevention convened a task force, composed of OJJDP, Office of Criminal Justice Programs, Budget Division and Office of General Counsel representatives, to determine the 1978 MOE level for LEAA. This task force is responsible for (1) determining the 1978 MOE for LEAA, (2) developing criteria for prorating categorical and block grant programs that are only partially juvenile related for MOE purposes, and (3) recommending agency-wide policy for ensuring that LEAA meets the MOE requirements.

This report fulfills the task force's first two responsibilities, namely, reporting on the fiscal year 1978 MOE level as well as the process used to determine this level. The task force's second responsibility, the development of criteria for prorating categorical and block grant programs which are only partially juvenile related, was done simultaneously with the 1978 MOE and the criteria were used, in part, for these calculations. These criteria will be used by OJJDP in prorating categorical grants and contracts in subsequent MOE determinations and in reviewing comprehensive plans for determining state MOE levels for fiscal year 1980 (See Attachment 4). The MOE task force is now developing policy recommendations for ensuring that the MOE requirements are met agency-wide.

This is how the fiscal year 1978 MOE level was determined:

Fiscal year 1978 budget activities for which a percentage was used

A listing of the fiscal year 1978 budget activities counted toward MOE is contained in Attachment 1. The process by which the data in this section was obtained is as follows.

Management and Operations figures were determined by calculating 19.51 percent of LEAA management and operations obligations (excluding OJJDP). OJJDP's management and operations obligations for fiscal year 1978 were then added to the LEAA figure for the total management and operations funds counted toward MOE.

The figures provided for the Law Enforcement Education Program Educational Development, Internship Funds and Section 402 training were furnished by the LEAA program offices that administer these programs. OJJDP queried the appropriate LEAA program offices requesting specific information on the grants, contracts and interagency agreements which they made during fiscal year 1978 which were juvenile related, the project amount which impacts juvenile justice and an explanation regarding the basis for their estimate. (The explanation for the MOE figures on attachment 1 which are asterisked is contained in the task force's working files.)

The process used to determine the Part B funds allocated to juvenile justice planning and administration activities was governed by the requirement contained in paragraph 51 of LEAA Guideline Manual M 4100.1F, subparagraph (b)(3)(C) which states that "Part B funds will be presumed to be allocated to juvenile justice planning and administration activities based on a percentage of Part B funding equal to the aggregate percentage of Parts C and E funds allocated for juvenile justice programs and projects. However, individual states may document that a greated amount of Part B funds are utilized for planning and administration activities related to juvenile justice." Thus, the same percentage as states in toto allocated for MOE from Parts C and E block grants (22.51 percent) was used to calculate Part B planning.

Fiscal year 1978 block grants

A listing of funds allocated by the states by program activity from Parts C and E (including small state supplements, where applicable) for juvenile justice activities under the Crime Control Act is contained in Attachment 2. These figures were obtained from OJJDP's grant files and reflect changes in awards and/or MOE allocations as of July 16, 1979.

Fiscal year 1978 categorical grants, contracts and interagency agreements

To determine the categorical funds awarded (obligated) for juvenile justice activities in support of MOE, a review of all project summaries for grants, contracts and interagency agreements was first completed from PROFILE summaries. In all cases where the award (obligation) applied only in part to juvenile justice, a pro rata determination of MOE was made through review of the grant application, the grant file and/or interviews with the appropriate LEAA grant manager. A listing of the categorical grants, contracts and interagency agreements counted toward MOE is contained in Attachment 3.

The fiscal year 1978 MOE level is summarized on the following page. A detailed breakdown of each of the three categories counted in determining MOE are included as Attachments 1, 2, and 3.

Fiscal year 1978 maintenance of effort—Summary

Fiscal year 1978 activities for which a percentage was used (attachment 1)	$ 28, 114, 305
Allocated by the States from C and E block grant funds (attachment 2)	66, 447, 649
Fiscal year 1978 categorical grants, contracts and interagency agreements (attachmetn 3)	23, 371, 568
Total allocated to maintenance of effort (22.27 percent)	$117, 933, 532
Amount required to meet the maintenance of effort requirement (base = $529,582,000)* (19.15 percent)	101, 414, 000
Excess of mandated maintenance of effort requirement (+ 3.12) percent)	+16, 519, 532

*Base figure was calculated by subtracting the JJDP Appropriation ($100,000,000) and the Public Safety Officers Benefits Program Appropriation ($15,000,000) from the total LEAA Budget Appropriation ($644,582,000).

ATTACHMENT 1

LEAA 1978 budget activitites for which a percentage was used

Management and operations (19.15 percent of LEAA management and operations obligations plus 100 percent of OJJDP's management and operations obligations)	$ 6, 494, 662
Law enforcement education program (25 percent of $39,540,000)*	9, 885, 000
Educational development (25 percent of $1,292,006)*	323, 002
Internship funds (23 percent of $298,400)*	68, 641
Section 402 training (4 percent of $2,200,000)*	88, 000
Part B planning (22.51 percent of $50,000,000)	11, 255, 000
Subtotal	28, 114, 305

*Figures provided by LEAA program offices.

FISCAL YEAR 1978 MAINTENANCE OF EFFORT

	Part C	Part E	SSS	Total	MOE amount	MOE percent
Alabama	$4, 403, 000	$499, 000		$4, 902, 000	$938, 733	19. 15
Alaska	444, 000	50, 000	$300, 000	794, 000	176, 665	22. 25
Arizona	2, 694, 000	305, 000		2, 999, 000	655, 745	21. 87
Arkansas	2, 570, 000	291, 000		2, 861, 000	578, 453	20. 22
California	25, 818, 000	2, 925, 000		28, 743, 000	7, 712, 544	26. 83
Colorado	3, 094, 000	351, 000		3, 445, 000	832, 410	24. 16
Connecticut	3, 776, 000	428, 000		4, 204, 000	695, 842	16. 55
Delaware	705, 000	80, 000	74, 000	859, 000	238, 600	27. 78
District of Columbia	867, 000	98, 000	80, 000	1, 045, 000	185, 000	17. 70
Florida	10, 081, 000	1, 142, 000		11, 223, 000	2, 693, 520	24. 00
Georgia	6, 006, 000	680, 000		6, 686, 000	1, 322, 116	19. 77
Hawaii	1, 057, 000	120, 000		1, 177, 000	348, 000	29. 57
Idaho	991, 000	112, 000	40, 000	1, 143, 000	205, 800	18. 01
Illinois	13, 637, 000	1, 545, 000		15, 182, 000	2, 970, 089	19. 56
Indiana	6, 471, 000	733, 000		7, 204, 000	1, 480, 134	20. 55
Iowa	3, 485, 000	395, 000		3, 880, 000	1, 528, 000	39. 38
Kansas	2, 777, 000	315, 000		3, 092, 000	572, 000	18. 50
Kentucky	4, 125, 000	467, 000		4, 592, 000	879, 423	19. 15
Louisiana	4, 635, 000	525, 000		5, 160, 000	997, 244	19. 33
Maine	1, 289, 000	146, 000		1, 435, 000	267, 895	18. 67
Maryland	5, 021, 000	569, 000		5, 590, 000	1, 411, 420	25. 25
Massachusetts	7, 081, 000	802, 000		7, 883, 000	1, 540, 925	19. 55
Michigan	11, 096, 000	1, 257, 000		12, 353, 000	2, 328, 143	18. 85
Minnesota	4, 775, 000	541, 000		5, 316, 000	993, 700	18. 69
Mississippi	2, 851, 000	323, 000		3, 174, 000	525, 859	16. 57
Missouri	5, 806, 000	658, 000		6, 464, 000	1, 676, 013	25. 93
Montana	909, 000	103, 000	53, 000	1, 065, 000	254, 000	23. 85
Nebraska	1, 880, 000	213, 000		2, 093, 000	400, 809	19. 15
Nevada	719, 000	81, 000	63, 000	863, 000	170, 420	19. 75
New Hampshire	988, 000	112, 000	40, 000	1, 140, 000	189, 000	16. 58
New Jersey	8, 931, 000	1, 012, 000		9, 943, 000	2, 448, 800	24. 63
New Mexico	1, 393, 000	158, 000		1, 551, 000	446, 000	28. 76
New York	22, 016, 000	2, 494, 000		24, 510, 000	4, 749, 000	19. 38
North Carolina	6, 627, 000	751, 000		7, 378, 000	1, 826, 458	24. 76
North Dakota	776, 000	88, 000	57, 000	921, 000	254, 000	27. 58
Ohio	13, 074, 000	1, 481, 000		14, 555, 000	3, 646, 106	25. 05
Oklahoma	3, 306, 000	375, 000		3, 681, 000	839, 345	22. 80
Oregon	2, 782, 000	315, 000		3, 097, 000	534, 375	17. 25
Pennsylvania	14, 445, 000	1, 637, 000		16, 082, 000	4, 751, 741	29. 55
Rhode Island	1, 134, 000	129, 000		1, 263, 000	251, 160	19. 89
South Carolina	3, 430, 000	389, 000		3, 819, 000	762, 037	19. 95
South Dakota	830, 000	94, 000	48, 000	972, 000	237, 820	24. 47
Tennessee	5, 083, 000	576, 000		5, 659, 000	848, 861	15. 00
Texas	14, 904, 000	1, 689, 000		16, 593, 000	3, 157, 065	19. 03
Utah	1, 465, 000	166, 000		1, 631, 000	655, 662	40. 20
Vermont	575, 000	65, 000	179, 000	819, 000	162, 000	19. 78
Virginia	6, 066, 000	687, 000		6, 753, 000	1, 411, 602	20. 90
Washington	4, 344, 000	491, 000		4, 835, 000	764, 039	15. 80
West Virginia	2, 191, 000	248, 000		2, 439, 000	466, 543	19. 13
Wisconsin	5, 590, 000	633, 000		6, 223, 000	2, 135, 472	34. 32
Wyoming	458, 000	52, 000	291, 000	801, 000	180, 000	22. 47
Puerto Rico	3, 594, 000	407, 000		4, 001, 000	760, 530	19. 01
American Samoa	34, 000	4, 000	92, 000	130, 000	21, 305	16. 39
Guam	121, 000	14, 000	183, 000	318, 000	86, 736	27. 28
Trust territories	144, 000	16, 000	161, 000	321, 000	90, 500	28. 19
Virgin Islands	101, 000	12, 000	203, 000	316, 000	192, 000	60. 76
Total				295, 178, 000	66, 447, 659	22. 51

Grant No. and project title	Total award	MOE amount
78-DF-AX-0055: Deinstitutionalization of status offenders	$247, 500	$247, 500
78-DF-AX-0219: Juvenile restitution program	208, 235	208, 235
78-DF-AX-0220: Westfield youth restitution program	171, 842	171, 842
78-DF-AX-0221: Restitution program for adjudicated juvenile offenders	110, 615	110, 615
78-ED-AX-0019: The status offender—an alternative to incarceration	46, 166	46, 166
78-ED-AX-0119: Jefferson County restitution project	411, 655	411, 655
78-ED-AX-0143: Positive action for youth	538, 439	538, 439
78-ED-AX-0151: Restitution program for juvenile offenders	458, 690	458, 690
78-ED-AX-0157: Geauga County—juvenile offender—alternative to incarceration	749, 542	749, 542
78-ED-AX-0158: Community project for restitution by juvenile offenders	1, 012, 357	1, 012, 357
78-ED-AX-0159: Orelans Parish juvenile court restitution program	510, 046	510, 046
78-ED-AX-0160: Restitution by juvenile offenders project	832, 596	832, 596
78-ED-AX-0161: State of New Jersey juvenile restitution program	520, 375	520, 375
78-ED-AX-0162: New York State restitution program	2, 289, 325	2, 289, 325
78-ED-AX-0167: Individualized restitution program for juvenile offenders	370, 925	370, 925
78-ED-AX-0168: Cumberland County juvenile restitution project	299, 412	299, 412

Grant No. and project title	Total award	MOE amount
78-ED-AX-0169: Camden County juvenile restitution program	$278, 148	$278, 148
78-ED-AX-0170: Juvenile restitution	354, 575	354, 575
78-ED-AX-0175: CARISMA	279, 620	279, 620
78-MU-AX-0040: Metro-Memphis youth diversion project	388, 089	379, 201
78-MU-AX-0049: Evaluation of LEAA family program	997, 461	100, 000
78-TA-AX-A006: International study of rights of the child	200, 000	200, 000
78-DF-AX-0047: Thresholds	200, 000	200, 000
78-ED-AX-0042: Citizen participation/volunteer services	45, 000	45, 000
78-DF-AX-0027: Project concern	128, 000	90, 000
78-DF-AX-0212: Minneapolis CCPP	450, 000	66, 918
78-CA-AX-0001: Community anticrime program/SECO	208, 862	29, 658
78-CA-AX-0002: Safer neighborhoods for Utica's people	51, 443	2, 600
78-CA-AX-0004: Community anticrime program for the Rockaways	127, 606	6, 500
78-CA-AX-0005: SEPCPC community wide crime prevention project	83, 673	25, 101
78-CA-AX-0006: The greater Woodlawn crime prevention project	221, 575	55, 393
78-CA-AX-0008: Seattle-King County project	250, 000	62, 500
78-CA-AX-0009: Roxbury multiservice center community anticrime program	238, 101	35, 715
78-CA-AX-0010: Hartford joint community group crime prevention program	246, 135	98, 454
78-CA-AX-0012: Community anticrime program	41, 117	2, 154
78-CA-AX-0013: Universe project	121, 130	12, 130
78-CA-AX-0014: Project Unicorn	148, 987	14, 898
78-CA-AX-0015: Park Heights community anticrime consortium	241, 200	24, 120
78-CA-AX-0017: GCCSA/HACH community based anticrime project	162, 912	40, 000
78-CA-AX-0018: A proposal for North Central Detroit community	156, 920	26, 050
78-CA-AX-0019: Coalition for action crime prevention program	197, 904	29, 685
78-CA-AX-0020: Coalition for a united Elizabeth anticrime program	249, 850	24, 985
78-CA-AX-0021: A proposal to deter crime in Loisaida	152, 367	35, 000
78-CA-AX-0022: Citizen action for safer Harlems	241, 980	12, 099
78-CA=AX-0023: ABCD coalition against crime	241, 180	96, 400
78-CA=AX-0024: Citizens local alliance for a safer Philadelphia	197, 802	59, 340
78-CA=AX-0025: Whistlestop community crime prevention program	99, 548	9, 954
78-CA=AX-0026: Community anticrime project	84, 990	25, 497
78-CA=AX-0027: Community anticrime program	249, 964	24, 996
78-CA=AX-0028: House of Umoja neighborhood anticrime program	242, 562	120, 000
78-CA=AX-0029: Citizens' Crime Watch, Inc	201, 667	100, 332
78-CA=AX-0031: Mobile community organizations community anticrime program	72, 881	36, 250
78-CA=AX-0032: Champaign county crime prevention council	43, 700	17, 480
78-CA=AX-0033: Northwest Bronx community anticrime project	249, 967	3, 749
78-CA=AX-0035: Comprehensive anticrime program	156, 750	47, 025
78-CA=AX-0036: Community anticrime project	238, 067	68, 000
78-CA=AX-0037: Portland coalition for safe neighborhoods	149, 004	7, 450
78-CA=AX-0038: Community anticrime program	132, 194	52, 800
78-CA=AX-0039: Community organizations acting together anticrime project	209, 879	41, 975
78-CA=AX-0040: Michigan Avenue community organization anticrime program	179, 630	17, 963
78-CA=AX-0041: New Haven anticrime consortium	239, 000	184, 000
78-CA=AX-0042: Community combating crime project	240, 376	84, 121
78-CA=AX-0043: Newport neighborhood anticrime project	99, 218	49, 609
78-CA=AX-0045: Chinatown community anticrime project	205, 372	61, 611
78-CA=AX-0046: Mantra, Inc. community anticrime	149, 134	89, 480
78-CA=AX-0047: Community Assistance project	119, 855	84, 000
78-CA-AX-0048: Neighborhood anticrime program	132, 957	26, 300
78-CA-AX-0049: Community anticrime program	169, 269	67, 707
78-CA-AX-0050: Monterey Peninsula anticrime program	72, 904	8, 748
78-CA-AX-0051: Anticrime program for deaf/hearing impaired community	57, 676	5, 767
78-CA-AX-0052: Community anticrime project	78, 174	31, 200
78-CA-AX-0053: Anticrime through organized neighborhood effort	249, 661	49, 932
78-CA-AX-0054: Community anticrime task	215, 877	64, 500
78-CA-AX-0055: Community anticrime project	123, 190	30, 797
78-CA-AX-0056: Tremont's community anticrime program	242, 238	24, 223
78-CA-AX-0057: Coalition for senior citizen safety	238, 465	71, 400
78-CA-AX-0058: Community anticrime program	249, 994	124, 997
78-CA-AX-0059: Lake View citizens' council anticrime project	111, 435	22, 000
78-CA-AX-0060: Southwest Yonkers Congress crime prevention program	248, 474	188, 800
78-CA-AX-0061: Southwest federation anticrime project	157, 437	31, 487
78-CA-AX-0062: Neighborhood anticrime program	214, 909	21, 490
78-CA-AX-0063: Residential burglary prevention	188, 906	37, 781
78-CA-AX-0064: Crime prevention/criminal justice awareness project	80, 030	48, 018
78-CA-AX-0065: Columbia Point community crime prevention program	60, 724	12, 144
78-CA-AX-0066: Project awareness	113, 219	68, 000
78-CA-AX-0068: Rock Island anticrime block club organization	93, 530	18, 706
78-CA-AX-0069: Community anticrime program	154, 903	46, 410
78-CA-AX-0070: West Central Phoenix community anticrime project	249, 160	149, 496
78-CA-AX-0071: Neighborhood anticrime program	207, 899	20, 789
78-CA-AX-0072: Bedford-Styvesant anticrime project	235, 514	58, 878
78-CA-AX-0073: CACP multineighborhood anticrime	103, 147	10, 300
78-CA-AX-0074: Roxbury tenants of Harvard community anticrime program	111, 798	22, 200
78-CA-AX-0076: Southwest Training Institute community anticrime program	166, 777	75, 049
78-CA-AX-0077: Near South Side coalition of neighborhood associations	167, 539	1, 675
78-CA-AX-0078: Culmee Park community anticrime	124, 517	72, 300
78-CA-AX-0079: Citizens action league community anticrime project	247, 717	1, 238
78-CA-AX-0080: Communitas	223, 174	22, 317
78-CA-AX-0081: Bois D'Arc patriot crime prevention program	90, 630	36, 252
78-CA-AX-0082: Asian Pacific community anticrime program	250, 000	125, 000
78-CA-AX-0085: East Harlem anticrime program	250, 000	87, 500

Grant No. and project title	Total award	MOE amount
78-CA-AX-0085: Blue Hills anticrime program	$137, 921	$62, 064
78-CA-AX-0086: Communities organized against crime	247, 500	2, 470
78-CA-AX-0087: Fields Corner community organizing project	141, 642	15, 000
78-CA-AX-0088: Project security self-help	162, 788	48, 600
78-CA-AX-0089: Community anticrime project	247, 850	180, 000
78-CA-AX-0090: Safety/anticrime (SAC) in Five Points, Cole, and Whither neighborhoods of Denver, Colo	192, 706	19, 270
78-CA-AX-0093: Covington neighborhoods action coalition anticrime program	94, 714	2, 500
78-CA-AX-0094: Project emphasis crime	103, 366	15, 500
78-CA-AX-0095: Community anticrime project	247, 973	24, 797
78-CA-AX-0096: Joliet volunteer citizen anticrime program	176, 482	52, 944
78-CA-AX-0097: Neighborhood security educational action program	221, 496	1, 107
78-CA-AX-0099: Community anticrime program	126, 010	73, 000
78-CA-AX-0100: Community crime prevention program	91, 133	13, 669
78-CA-AX-0101: N.E.O.N. Inc. anticrime program	235, 674	78, 000
78-CA-AX-0102: Desire-Florida community anticrime program	186, 037	95, 000
78-CA-AX-0103: Citizens united together against crime	202, 974	152, 230
78-CA-AX-0104: UAW Retired Workers Center, Inc	202, 150	20, 215
78-CA-AX-0106: Indianapolis anticrime organizing project	219, 852	22, 000
78-CA-AX-0107: East Side Neighborhood Services, Inc	139, 060	112, 000
78-CA-AX-0108: Villa Victoria's community crime prevention project	126, 167	22, 710
78-CA-AX-0109: The Robert Taylor Homes community crime prevention project	242, 455	24, 245
78-CA-AX-0110: Milwaukee community anticrime program	249, 641	1, 248
78-CA-AX-0111: Community anticrime program	246, 624	5, 475
78-CA-AX-0112: Metropolitan Atlanta Crime Commission community anticrime program	218, 334	40, 610
78-CA-AX-0113: Daytona Beach prevent-a-crime program	203, 901	97, 872
78-CA-AX-0114: Community anticrime program	210, 219	63, 000
78-CA-AX-0115: Coalition of minority agencies community anticrime program	212, 462	38, 243
78-CA-AX-0117: Comprehensive neighborhood safety coalition	249, 327	20, 000
78-CA-AX-0118: Mississippi action for community education	249, 945	89, 650
78-CA-AX-0119: Little Rock community crime prevention project	229, 446	45, 889
78-CA-AX-0120: Elmhurst district citizens safety project	84, 296	33, 718
78-CA-AX-0121: Community anticrime program	237, 754	33, 285
78-CA-AX-0122: Community anticrime program	240, 834	79, 475
78-CA-AX-0123: Community anticrime program	249, 912	37, 486
78-CA-AX-0124: CAP city comprehensive community crime prevention program	249, 034	49, 806
78-CA-AX-0125: Atlanta DeKalb crime eradication project	106, 648	60, 789
78-CA-AX-0127: Peoria area community anticrime project	192, 577	115, 546
78-CA-AX-0128: Oklahoma City neighborhood crime prevention program	177, 645	26, 646
78-CA-AX-0129: Lennox and Westmont community crime project	216, 646	21, 664
78-CA-AX-0130: East Harlem block nursery's community anticrime program	223, 691	152, 109
78-CA-AX-0131: Project PEACE	250, 000	125, 000
78-CA-AX-0132: Neighborhoods together anticrime program	159, 474	64, 000
78-CA-AX-0133: Community anticrime program	249, 772	37, 465
78-CA-AX-0134: East Los Angeles community anticrime project	250, 000	125, 000
78-CA-AX-0135: Community anticrime project	142, 610	14, 261
78-CA-AX-0136: SEMAC	149, 941	8, 000
78-CA-AX-0137: Youth development anticrime project	166, 432	133, 206
78-CA-AX-0139: Toward a whole and safe community	242, 973	242, 973
78-CA-AX-0140: Community anticrime project	197, 195	40, 000
78-CA-AX-0141: North Shore anticrime program	140, 109	20, 000
78-CA-AX-0142: Operation Alliance	221, 075	66, 000
78-CA-AX-0143: Community anticrime program	246, 516	56, 698
78-CA-AX-0144: Community against crime	185, 747	55, 724
78-CA-AX-0145: Save our community from crime	198, 647	49, 661
78-CA-AX-0146: Alliance against crime	138, 838	47, 000
78-CA-AX-0147: Ventura County Hispanic development project	242, 038	84, 713
78-CA-AX-0148: Project Harmonia	480, 679	480, 679
78-CA-AX-0149: Neighborhood against crime	245, 855	24, 585
78-CA-AX-0150: Pasadena commnuity anticrime project	186, 600	37, 520
78-CA-AX-0151: Stanford commuinty anticrime project	217, 423	64, 000
78-DF-AX-0181: Inuunailiq alternative project	101, 038	101, 038
78-DF-0182: Navajo Youth Services project	45, 925	45, 925
78-DF-AX-0193: Acoma delinquency prevention	13, 790	13, 790
78-ED-AX-0075: Kwatee group home	137, 090	137, 090
78-ED-AX-0103: Fort Belknap Juvenile and Rehabilitation Center	162, 000	162, 000
78-JS-AX-0084: Fort Peck Bureau of Youth Services	235, 860	235, 860
Interagency agreements with Census Bureau:		
National Crime survey (NCS)	5, 568, 000	946, 560
NCS research	317, 400	53, 958
Seriousness research	438, 483	74, 542
Expenditure and employment	782 976	133, 106
Junvenile	265, 868	265, 868
Criminal justice analysis and publication	859, 774	51, 586
76-SS-99-6026: National survey of crime severity	212, 888	36, 191
78-SS-AX-0018: Analytical studies in crime victimization over time	80, 095	13, 616
SAC Grants: Statistical analysis center (SAC) grants	4, 745, 522	1, 423, 657
UCR Grants: Uniform crime reports (UCR) grants	960, 343	268, 896
78-SS-AX-0003: Juvenile justice PROMIS	157, 986	157, 986
78-SS-AX-0002: Marion County prosecutor's juvenile PROMIS	149, 948	149, 948
78-SS-AX-0025: Washington SJIS	200, 000	200, 000
78-DF-AX-0159: Operation Hardcore	294, 310	98, 009

Grant No. and project title	Total award	MOE amount
78-DF-AX-0022: Changing sex role stereotypes	$22,000	$22,000
78-DF-AX-0207: Sexually abused child as victim/witness	166,081	166,081
77-DF-99-0066: Child sexual abuse victim assistance project—supplemental award	51,061	51,061
77-DF-10-0016: Sexually abused child as victim/witness—supplemental award	80,115	80,115
78-DF-AX-0106: South Florida family violence	268,836	26,884
78-DF-AX-0107: Alaska family violence program	260,866	26,087
78-DF-AX-0126: Delaware family violence program	140,000	14,000
78-DF-AX-0129: Utah family violence program	81,234	8,123
78-DF-AX-0131: Family violence prosecution program	80,553	8,056
78-DF-AX-0133: Women's cirsis center	42,000	4,200
78-DF-AX-0142: Regional domestic violence	155,000	15,500
78-DF-AX-0143: Family violence program, Gary, Ill	114,300	11,430
78-DF-AX-0155: Family violence program, Santa Barbara	249,167	24,917
78-DF-AX-0168: Citizens aware and responding to emergencies	117,097	11,710
78-DF-AX-0173: Development of family violence educational materials	53,212	5,321
78-DF-AX-0196: District attorney's domestic abuse unit	186,802	18,680
78-DF-AX-0206: Help for abused women and children	126,000	12,600
78-DF-AX-0222: Dade County domestic violence assistance	88,870	8,887
78-TA-AX-0035: Technical assistance to the LEAA family violence program	249,974	24,997
76-ED-01-0020: Phase III—objectivity now—community involvement tomorrow (supplemental award)	83,112	83,112
78-ED-AX-0037: Expansion of Hillsborough House of detention	300,000	24,990
78-DF-AX-0156: TA service delivery	74,977	14,995
78-DF-AX-0161: TA service delivery	68,929	22,746
78-DF-AX-0179: TA service delivery	65,162	15,480
Total	55,687,413	23,371,568

ATTACHMENT 4

IDENTIFICATION OF PROGRAMS AND PROJECTS AND PRORATION CRITERIA FOR MAINTENANCE OF EFFORT

The MOE Task Force has considered background materials on the maintenance of effort requirement of Section 520(b) of the Crime Control Act and Section 261(b) of the Juvenile Justice Act.

LEAA State Planning Agency Grants Guideline M4100.1F, CHG 3, July 28, 1978, requires at Chapter 3, Paragraph 51 b (1), that each State expend at least 19.15 percent of its annual Parts B, C, and E block grant allocation for "juvenile justice and delinquency prevention-related programs and projects." Beyond this general guidance, LEAA has issued no other formal guidelines or policy to the states.

The 19.15 percent maintenance of effort level was derived from the percentage of 1972 Crime Control Act funds that were allocated for juvenile justice and delinquency prevention programs. Dollar amounts for individual projects were detailed in an October, 1972, report entitled "Law Enforcement Assistance Administration Juvenile Delinquency Project Summaries for Fiscal Year 1972." This report broke down fiscal year 1972 allocations into five broad categories: prevention, diversion, rehabilitation, upgrading resources, and drugs. Unfortunately, where projects were prorated between juvenile and non-juvenile related activities, no rules or guides used in proration were specified. However, it is useful to note the five program areas used and the types of programs and activities that fall under them:

> *Prevention.*—Activities designed to reduce the incidence of delinquency acts and that are directed to youth who are not being dealt with as a result of contact with the juvenile justice system. Included are programs providing information, education, and public awareness activities; programs to develop and improve police, community, and youth relations; programs to bring about selective organizational changes in school and community programs-youth involvement programs; programs to utilize volunteers in prevention; and special youth services. Other activities include related research and development programs and projects.
>
> *Diversion.*—Programs and projects designed to limit penetration of youth into the juvenile justice system by providing resources outside the formal justice system at any point between apprehension and adjudication. These would include youth service bureaus, diagnostic and treatment services, pretrial diversion programs, special youth services, employment, counseling, and advocacy programs designed to develop or gain access to needed services outside of the justice system.

Rehabilitation.—Community-based after care juvenile facilities; programs involving the education and training of juvenile offenders; specialized rehabilitation projects; diagnostic services; vocational and psychological counseling; development of alternatives to incarceration; and re-entry adjustment activities following institutionalization.

Upgrading resources.—Personnel programs involving training, education and staffing. Examples would include training and education projects for persons who regularly work in the area of juvenile justice and delinquency prevention such as counselors, caseworkers, probation officers, attorneys and judges. Training programs for those who volunteer their services would also be included. Other sub-programs that would fall within the generalized area of upgrading services would be research, evaluation and planning efforts as well as public education activities.

Drug abuse.—Research such as programs designed to ascertain the amount of drug and alcohol used by juveniles and to determine the influencing factors involved. Development programs including but not limited to those which would coordinate existing programs in drug abuse treatment programs. Other programs that would come within this category would be education-related activities (i.e., drug abuse specialist who would work in a Youth Services Program).

The above-referenced areas should be considered as illustrative rather than exhaustive. There may well be other programs, not detailed above, that would qualify as juvenile justice and delinquency prevention programs.

Prior Guidance

The Task Force reviewed prior advice from the Office on the subject of proration. While the issue has arisen a number of times during plan review, only one formal response has been issued.

In a letter to the California State Planning Agency dated December 5, 1978, the OJJDP Administrator advised that State as follows:

> ". . . maintenance of effort would in our view include those programs designed in whole or in part to have a direct impact on juvenile justice and delinquency prevention. An essential aspect of this definition is that there be some targeting or some emphasis placed on juvenile-related activities. To that end, general crime prevention or law enforcement activities should not be included. In the same vein, when you find it necessary to prorate, there must be a rational basis for its use. This would of course relate not only to the methodology adopted but also to the underlying basis for the proration namely that which is being prorated.*

There is, of course, no difficulty in allowing the total cost of a program or project designed solely to provide services to juveniles or to benefit the juvenile justice system. Similarly, there is usually no difficulty identifying general crime prevention or law enforcement programs that have no specific direct or identifiable benefit to juvenile justice and delinquency prevention. The following section is concerned with the proration of programs and projects that fall between these two extremes.

Proration criteria

Based on our view and discussion of this guidance and prior plan review experience the Task Force has concluded that the key concept in reviewing direct service programs and projects for maintenance of effort purposes should be whether activities to be undertaken under a program or project are targeted to or provide a specific and identifiable benefit to a juvenile population. For other non-service programs and projects the test is whether there is a direct and identifiable impact on the juvenile justice system. Thus, proration of projects for maintenance of effort purposes should be based, at a minimum, on an identification of specific, direct and identifiable activities which benefit a juvenile population or system component. Individual states are free to use more strict proration criteria.

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*"If the program which is being prorated is not related to juvenile justice and delinquency prevention but rather to general law enforcement, there would, absent some indication that juvenile-related activities were being targeted, be no basis for any proration."

Application of criteria

With regard to the allocation of Crime Control Act funded projects in non-juvenile justice program areas to maintenance of effort, several program areas and proposed allocations are presented as illustrations of common situations that have arisen:

(1) *Comprehensive Criminal Justice Information System.*—Based on arrest rates and an analysis of specific system requirements for the juvenile justice information component, a specific percentage of the cost of the establishment and operation of the information system is considered related to juvenile justice.

(2) *Domestic Abuse Shelter.*—Based on occupancy rates for children under the age of majority, the percentage of counseling time accounted for by children, and equipment costs for the shelter, a specific percentage of the total cost of shelter operations is considered related to juvenile justice.

(3) *Victim Advocate/Education.*—Based on the percentage of victims served by the project who are juveniles and percentage of juveniles receiving formalized victimization education, a specific percentage of project funds is considered related to juvenile justice.

(4) *Crisis Intervention.*—Based on the percentage of staff contacts with juveniles in need of services, project costs are prorated.

(5) Based on the percentage of crime committed by juveniles, a prorated percentage of a general crime prevention program, increased street patrol, is considered related to juvenile justice.

Applying the criteria noted above would, for example, result in OJJDP/OCJP action to: (1) approve the proration for Information Systems because the included activities are targeted to improvement of the juvenile justice system; (2) approve a proration for domestic abuse shelters based solely on the percentage of project costs represented by that component of the project that provides counseling or other direct services to juveniles. Occupancy rates and equipment costs are factors unrelated to juvenile justice and delinquency prevention services. They are incidental costs associated with the primary project purpose—the provision of emergency shelter and other project services to adults; (3) and (4) permit States to count toward maintenance of effort a prorated amount of direct service programs such as victim advocate/education and crisis intervention to the extent that they make their services specifically available to juveniles and can establish a reasonable basis for the proposed proration of services; (5) disallow prorating any part of this (or any) general law enforcement and criminal justice program expenditure toward maintenance of effort.

Question 39. It has been reported that OJJDP has completed final selection of grantees for the Youth Advocacy Initative. Of the total number of applications, how many were fundable? What amount was requested by these fundable applicants? What amount is intended to be awarded to the few applicants selected? Of this total, what amount will actually be awarded in fiscal year 1980?

OJJDP has not completed final selection of grantees for the Youth Advocacy Initiative. We now have under programmatic and fiscal review 19 applications, and from this group we will expect to recommend for award those which respond positively to programmatic fiscal requirements.

Of the 187 applications received, 26 were rated as fundable if funds were available and programmatic and fiscal requirements were satisfactorily met during the final stages of our review process.

$16,318,318. was requested by these 26 applicants, and $12,100,000 is allocated for award to these applicants if all requirements are satisfactorily met.

$12,100,000 will be awarded in fiscal 1980, with the major portion awarded by April 30, 1980.

Question 40. Why is not the Department of Justice recommending that the Delinquency Research components of the Center for the Study of Crime and Delinquency (NIMH) be transferred to NIJ?

This issue was not within the scope of the Department of Justice's recommendations.

Question 41. What portion of the fiscal year 1981 requests for BJS and NIJ are set aside to comply with the MOE provisions?

Response. Budget requests to Congress for programs authorized under the JSIA do not set aside funds by functional program area. To the extent that MOE is applicable to BJS and NIJ funds in fiscal year 1981, specific areas of funding related to juvenile justice programs have not yet been identified.

Question 42. It has been reported that the Alternative Education Guideline requires the approval, by relevant school superintendents of applications submitted by private non-profit organizations. If so please explain.

The Alternative Education Guideline does not require the approval of relevant school superintendents. When the guideline was published in the Federal Register for comment on October 15, 1979, it contained language which would have required private not-for-profit schools, agencies or organizations to operate in coordination, or have linkages, with the local public school system in order to promote utilization of effective program models and future funding support. schools and organizations.

As a result of public comments received during the external clearance process. which indicated that some independent alternative schools would have difficulty coordinating with local public schools, the language was modified to allow for a choice of linkages or cooperative agreements which included local public schools, private foundations, state educational agencies, federally and state funded employment agencies, corporations and/or labor for purposes of promoting continued funding of effective program models after OJJDP's support ends.

This modification retains the expectation that relationships which would lead to future funding be continued but does not limit these to local public schools where tensions may exist.

We believe that it is reasonable to expect that alternative education programs be related to those structures in a community which have an interest in improving education and increasing the level of skills of students entering the local job market.

Question 43. OGC has held that Section 527 (new JSIA 820(a)) cannot be construed to provide authority to approve or disapprove an LEAA grant. Why not? What about program plans or guidelines? Please explain. Let us suppose that LEAA was about to fund a standards project that was inconsistent with section 223(a)(13) of the JJA. What then are the appropriate roles for OJJDP?

Response. The LEAA Office of General Counsel (OGC) had occasion to review the scope of Section 527 in the context of the LEAA Community Anti-Crime Program. A copy of that opinion, dated November 12, 1977, is attached.

One conclusion from the OGC analysis Section 527 in that opinion is that the "policy direction" exercised by OJJDP under Section 527:

> ". . . does not require day-to-day or grant-by-grant involvement by OJJDP in Crime Control Act programs concerned with juvenile delinquency. This does not, however, preclude such involvement where it is deemed by the (LEAA) Administrator to contribute to the objectives of Section 527 . . ."

Thus, the OGC opinion clearly states that delegation of approval or disapproval authority over LEAA grants to OJJDP is permitted. It is not, however, required under Section 527.

With regard to program plans, guidelines, or actual project funding, I would expect, as LEAA Administrator, the other LEAA program offices to follow the established, written policies of OJJDP in the formulation of guidelines and the funding of action projects.

Henry Dogin, shortly after he became the LEAA Administrator, requested that OJJDP develop a proposed policy and procedure for implementation of Section 527. Subsequently, a draft policy was developed under Acting OJJDP Administrator and is in the process of internal review.

Question 44. In the summer of 1979 an LEAA audit of the OJJDP and OCAC grantees found that the LEAA guidelines provide little financial or programmatic assistance to non-profit organizations because the guidance in LEAA directives is directed principally to grant awards made to units of government. In fact, the audit found that these grantees were thus unaware or confused about LEAA fiscal and administrative requirements. Please report on the steps taken to date by OJJDP to remedy these bitterly ironic injustices.

Response. LEAA fiscal guidelines are based on OMB Circulars. To date none of the circulars issued by OMB are specifically directed to private non-profit agencies. Fiscal OMB Circulars are:

A–21 Fiscal Management for Institutions of Higher Education.
A–87 Fiscal Management for State and Local Governments.
A–110 Fiscal Management for Administration.

The LEAA Financial Guideline M 7100.1A was based on all the above OMB Circulars. While M 7100.1A did contain appropriate fiscal information for private non-profit agencies to properly administer and manage grants and contracts, it was difficult to locate in the seven chapters and appendices.

Two positive steps have been taken to remedy the problem of fiscal management by private non-profit organizations:

1. A revised LEAA Guideline, M 7100.1B was published in the Federal Register on March 3, 1980. Comments, including those from private non-profit agencies, will be reviewed and incorporated into the final published guideline. This should be ready for distribution on or before May 1, 1980. The new M 7100.1B will consolidate revisions of the new Justice System Improvement Act, the JJDP Act, with specific information for private non-profit agencies that is easy to locate and written to assure the establishment of sound and effective fiscal management systems.

2. LEAA has issued NOTICE No. N7130.1, "Administrative expense on Categorical Grants," which enables the SPAs (CJCs) to recover their administrative costs for the functions necessary to administer a categorical grant when the SPA (CJC) is the grantee or co-applicant. LEAA has scheduled a series of Fiscal Management Training Workshops that will be opened to private non-profit personnel. Nine five-day workshops are now scheduled.

Question 45. What, if anything, is OJJDP doing to assess whether the Federal Bureau of Prisons is engaging in practices inconsistent with Sections 223(a) (12) and (13)? Additionally, when such practices are identified, what procedures have been developed to alert the BOP and to remedy the situation?

Response. The Office of Juvenile Justice and Delinquency Prevention, in cooperation with the University of Illinois Community Research Forum is currently assessing the practices of five Federal agencies. This Federal deinstitutionalization research project is to determine whether the practices and facilities, either operated by or under contract with the five agencies, are responsive to the objectives addressed in the Federal Juvenile Delinquency Act and the Juvenile Justice and Delinquency Prevention Act. The five Federal agencies are the Federal Bureau of Prisons, Immigration and Naturalization Service, Bureau of Indian Affairs, U.S. Marshalls Service, and the National Park Service.

This effort began in August 1979, by interviewing agency officials, researching into enabling legislation of the agencies, identifying recent litigaton, and reviewing agency policies and guidelines. There has been on-site inspection of several facilities which are operated by or contracted with the agencies. The final report will be issued in May, 1980. It will contain a reporting of the data gathered and the evaluation of findings, identification of the technical assistance required by each agency in the area of program, organizational and data collection, and a proposed reporting system by the agencies to OJJDP.

During the September, 1979 Coordinating Council Meeting, an overview of the project and preliminary findings were presented. Once the project is completed, both the Coordination Council and the National Advisory Committee will be presented the results and recommendations of the project. Attachment I, Issue C-45 is a copy of the preliminary findings.

ATTACHMENT I ISSUE C-45—PRELIMINARY FINDINGS: AN OVERVIEW

The enactment of the Juvenile Justice and Delinquency Prevention Act of 1974 was in part a response by Congress to the states' insufficient expertise or inadequate resources to deal comprehensively with the problems of juvenile delinquency. The efforts of the Office of Juvenile Justice and Delinquency Prevention have focused on providing program aid and financial support to a wide range of components of state and local juvenile justice systems. The Federal agencies which operate or contract with correctional facilities have responded to Congressional mandates by issuing guidelines that are responsive to the objectives addressed in the Federal Juvenile Delinquency Act and the Juvenile Justice and Delinquency Prevention Act. However, an initial survey of five federal agencies, the Federal Bureau of Prisons, Immigration and Naturalization Service, Bureau of Indian Affairs, U.S. Marshalls Service, and National Park Service, indicates that violations remain widespread and that federally accused or adjudicated juveniles may not be accorded the protections mandated by the federal legislation. The deficiencies in the Federal compliance effort are largely a function of a lack of a sense of urgency by the Agencies or a lack of adequate monitoring or reporting mechanisms. The Office of Juvenile Justice and Delinquency Prevention which has responsibility for providing a comprehensive coordinated approach to the problems of juvenile delinquency is in a position to assume the leadership role in providing assistance to the Federal agencies and extending the Congressionally guaranteed safeguards to juvenile federal offenders and Native American and undocumented alien youth in federal custody.

Juvenile Federal Offenders

A juvenile taken into custody for violation of a crime of the United States will not generally be prosecuted by the U.S. Attorney unless the jurisdiction is exclusively federal and the crime is deemed serious. Pending release, transfer to local authorities, or prosecution, a juvenile federal prisoner is transferred to the custody of the U.S. Marshalls Service. The U.S. Marshalls Service, the contracting organization between the Justice Department and the local sheriffs and police departments, "handled " 5527 juveniles and received 733 in the first five months of 1979.

The Marshalls currently contract nationwide with 835 county jails for secure detention pending court action. At the time a contract is awarded, the facility is identified as to whether it is capable of holding juveniles, females, or sentenced prisoners. The USMS Contracting Procedures Manul provides that:

> "(1) Juvenile prisoners will be confined in an all juvenile facility or in a detention area separated visually and acoustically from adult detention areas. In unusual situations, and for short periods of time only, juveniles may be confined in an adult facility, but must be placed in quarters visually and acoustically separate from adult prisoners.
>
> "(5) Classification and segregation of prisoners according to age category and sex is to be extended to cells and bathing facilities . . . Toilet facilities will be segregated by sex." (USM 2330.2 Appendix 3–1)

Although a U.S. Marshall may be present at a facility on a daily or weekly basis, he has no jurisdiction to interfere in the internal operating procedures of the facility. A Marshall who observes a violation may bring it to the attention of the sheriff or jail superintendent; however, there is no formal mechanism for reporting the violation. The Contracting Procedures Manual provides that "under no circumstances should any contract facility be visited less than two times per year by the contract monitor." (USM 2330.2) The monitoring checklist provided includes the categories, "acceptable prisoner separation" and "meets juvenile requirements". The Chief of Program Administration at the U.S. Marshalls Service maintains that there are no federal juveniles housed in facilities which haven't been certified for juveniles; however, he conceded that adult federal prisoners could be placed in a facility which was not properly accommodating state juvenile offenders. Each contract facility reports its daily federal population to the central office but does not provide an adult/juvenile breakdown.

The U.S. Marshalls' responsibilities do not generally encompass juveniles who are apprehended for violation of a federal law in a national park. The National Park Service either maintains its own holding facilities or makes independent arrangements with local jails or detention centers. The U.S. Park Police exercises jurisdiction (not necessarily exclusive) over parks, parkways and reservations in the District of Columbia, Maryland, Virginia and employs special divisions in the New York and San Francisco areas. U.S. Park Police Guidelines provide that:

> Whenever a juvenile arrest occurs, the arresting officer shall transport the juvenile in unmarked vehicles when possible and not with adult offenders to a substation or similar suitable surrounding.

The guidelines further state that "when a juvenile is detained, detention must be in a federally approved facility. In many areas, local juvenile homes and facilities may be utilized. Juveniles shall not be incarcerated with adults at any time." (General Order No. 90.06) The officer assigned to juvenile offenders in the Criminal Investigations Branch reported that there were five substations in the D.C./Maryland/Virginia area where juveniles could be temporarily held for intake; however, he stated that the holding period is limited to a couple hours.

Statistics from the Criminal Investigations Branch show that during the months of January through July, 1979, 1039 juveniles were brought to the attention of the Juvenile Section. This indicates that "juvenile contact forms" were completed on all of these youths and that they were held at least briefly before being released, or referred to a U.S. Magistrate or to the local court.

The Chief of the Law Enforcement Section, Rangers Division supplied juvenile procedures guidelines dated October, 1975 which state that offenses committed by juveniles are divided into two categories, violations of park regulations and offenses other than violations of park regulations:

> When a juvenile violates a park regulation requiring a mandatory appearance or when a juvenile or a juvenile's parents request a hearing, the juvenile may be heard before a U.S. Magistrate only when a fine and/or probation would ordinarily be imposed for the offense. However, for those offenses which are likely to result in a jail sentence, the matter must be referred to and coordinated with the U.S. Attorney's Office. *The key criterion is whether in the judgment of the ranger* the offense is one where the juvenile may forfeit collateral or the magistrate will impose *only* a fine and/or probation rather than the likelihood of the imposition of a jail term.

The guidelines further provide:

> "the detention of a juvenile must be in a federally approved facility . . . In many areas, local juvenile homes and facilities may be utilized. When a juvenile is incarcerated, he should be brought before a U.S. Magistrate as soon as possible and the U.S. Attorneys office notified. Once the juvenile has been brought before a Magistrate, the responsibility for the custody or detention of the juvenile becomes that of the courts . . . The searching and transporting of juveniles should be the same as for adults, except juveniles should, *when possible* (italic added) be transported in unmarked vehicles and not with adult offenders."

The guidelines also allow a ranger to turn a runaway over to local authorities and to take a juvenile into protective care if in the ranger's judgment the juvenile's health, welfare or safety is endangered. The Law Enforcement Chief was unable to supply a list of parks with law enforcement personnel or law enforcement facilities.

A youth adjudicated and committed under the Juvenile Delinquency Act is transferred to the custody of the Attorney General. However, the FJDA requires the Attorney General, in practical terms the Federal Bureau of Prisons, to commit juveniles to foster homes or to a community based facility located near their home community whenever possible. The Act further requires that no juvenile be placed in an adult jail or correctional institution where he has regular contact with incarcerated adults. The JJDP Act, in addition to requiring that participating states achieve the deinstitutionalization of status offenders and the separation of children from adults in correctional institutions, places a heavy emphasis on the development and use of nonsecure community based facilities.

Shortly after the enactment of the JJDP Act in 1974 the Bureau designated four institutions as classification and confinement centers for offenders committed under the Act. These four institutions are classified by Bureau policy statements as minimum security. However, the Bureau continued to send many youths to other federal prisons, some of which are designated medium security and hold adult prisoners. In 1977 the ACLU National Prison Project focused on the Bureau's recorded lack of compliance with its statutory mandate to locate youthful offenders in community based facilities and its failure to place juveniles in facilities segregated from adult offenders. In the summer of 1977, partially as a result of a series of meetings between members of the Prison project and Bureau officials, the Bureau began removing all federally adjudicated juveniles from BOP institutions and transferring them to state institutions. There are currently about 150 juveniles committed under the Act. Only two youths, characterized as severe behavior problems, are incarcerated in federal institutions. The remainder are placed pursuant to contracts with state or privately run facilities.

The majority of juvenile federal offenders are concentrated at the Woodsbend Boys Camp in West Liberty, Kentucky, the Emerson House in Denver, Colorado, and in California Youth Authority facilities. As of June, 1978 only 22 out of 90 juveniles were incarcerated in their home states. The Bureau has not devised any criteria which direct Bureau officials, Community Program Officers, and regional staff in their interpretation and implementation of Section 5035 of the FJDA. The Bureau's policy statement 7300.106 which specifically pertains to placement of federal juveniles merely recries the language of Section 5035. In addition, federal youths are commingled with adults in the California Youth Authority placements. Segregation from adults is also reportedly inadequate at the Emerson House in Denver, Colorado where most federally adjudicated native American youths are committed. The Bureau continues to respond to allegations of non compliance with the FJDA by maintaining that most federal juvenile offenders have committed serious violent offenses. Monitoring of contract facilities is limited to biannual inspections. The FBOP Contracts and Detention Administrator admitted that prosecution of juveniles by U.S. Attorneys has declined since adjudicated offenders are no longer placed in federal facilities.

Native American Youths

The Bureau of Indian Affairs has funding responsibilities for 122 tribes. The court systems can be classified as traditional, tribal, or Courts of Indian Offenses. There are fifteen traditional courts, concentrated in New Mexico and descended from the Spanish system. There are 28 Courts of Indian Offenses which operate under a set of rules and procedures created by the Bureau of Indian Affairs. (25CRF pt. 11). Tribes which have adopted their own codes usually modeled closely after the BIA code are known as "tribal courts." Detention facilities for reservations are owned and operated by the BIA and various tribes. Some Bureau facilities are tribally controlled. The Bureau and the Tribes use municipal and county facilities on a contract or subsistence basis where no Bureau of Tribal facility is available.

According to the Chief Law Enforcement Officer at BIA, 98 percent of the arrests on reservations are for drunkeness. However, the Bureau's authority to influence sentencing policy is limited. There are no federal juvenile officers on reservations in the United States. The failure to separate juveniles from adults in correctional facilities is a function of outdated dilapidated facilities and the lack of a sense of urgency on the part of the tribes and the Bureau. There is no juvenile office at the Bureau of Indian Affairs. The Chief of the Judiciary Division at BIA admitted that the deinstitutionalization and separation objectives contained in the JJDP Act had never been suggested by the Bureau for incorporation into tribal codes or practices. LEAA has funded 35–40 facilities over the past six years and has provided financial support for the development of juvenile codes, however LEAA monies have been cut leaving many projects incomplete.

A native American youth adjudicated delinquent for commission of a misdemeanor, including liquor violations, can be committed by the tribe to a secure detention facility for six months. Though the Bureau has no authority to intervene in tribal sentencing, it can report a violation under the Civil Rights Act of 1968 (cf. 25 USC 1301–1341, 1970). In 1977 the Bureau inspected the law enforcement facilities on 63 reservations and reported that there was inadequate separation of juveniles and adults in fifty-four of them. The tribes surveyed reported an average daily juvenile population of two to four persons with some reporting daily juvenile populations up to sixteen. The Indian Health Service at the Department of Health Education and Welfare shares the responsibility for inspecting law enforcement facilities.

Its findings and recommendations are forwarded to the Area Director. The Area Director, elected by tribal chairman, has the authority to allocate BIA funds. In a memorandum dated January 23, 1979 to the Chief Law Enforcement Officer, the Acting Chief Inspector of the Bureau's Inspection/Evaluation Unit described inadequate and inappropriate facilities, noting for example, "Cell interiors are not designed to encourage suicide prevention, nor are the furnishings designed strongly enough to resist vandalism or damage to inmates when taken apart and utilized as weapons." The BIA Law Enforcement Manual specifies only, "whenever possible juvenile prisoners shall be detained separately and apart from adults or promptly transferred to juvenile detention facilities if any are available." (68 BIAM 2.9)

Subsequent to removal from his home by court action a youth may be committed to the custody of the BIA Division of Social Services for foster placement. Among the options available to the social worker are "placement in a specialized institution such as institutions or treatment centers for the delinquent," or placement in a "Federal Indian Boarding school, or other appropriate group care facility." (66 BIAM, Social Services). Tribal courts often give a child the option of going to a BIA boarding school or to the juvenile justice system. The incidence of rape, drug and alcohol abuse and criminal behavior in the boarding schools is reportedly very high. There is a severe lack of dormitory supervision. Most schools provide intensive drug and alcohol abuse treatment to children 15 years or older. According to a BIA boarding school graduate on the staff of the Native Americans Rights Fund, it was common to be sent to the local county jail for a night or weekend as a disciplinary sanction.

A native American youth prosecuted for committing a "major crime" (18 USC sec. 1153) or a crime of the U.S. will be tried in federal court. The majority of adjudicated federal native American juveniles from the upper Midwest and

Rocky Mountain states are placed in Emerson House in Colorado. The Federal Bureau of Prisons has not been responsive to urging by groups such as the Native American Rights Fund to channel FBOP and BIA resources into the development of alternative community programs to insure compliance with the JJDP and with the FJDA.

Undocumented Alien Youth

An undocumented alien youth under the age of fourteen will not be knowingly prosecuted by the Immigration and Naturalization Service. The Service will arrange for a "voluntary departure." A child aged 14–18 apprehended and held for deportation proceedings, should according to INS guidelines be placed in a federally approved contract facility where he is separated from adults. In practice, children are frequently held at a Metropolitan Correction Center where they are separated from criminal pre-trial detainees but commingled with adult alines. The Director of the Immigration Project, Legal Assistance Foundation of Chicago acknowledged that placement of children in the MCC was a violation of INS guidelines and of the JJDP Act, however the Chicago Project has not strenuously objected since commingling with adult INS prisoners was deemed preferable to alternative commitment to a juvenile delinquency detention facility. Undocumented alien youth may also be held in the custody of the U.S. Marshals if they or their families are serving as material witnesses in a criminal proceeding, e.g., smuggling. Children and adults are sheltered together awaiting their testimony at a trial often for a period of up to three weeks.

The Immigration and Naturalization Service operates three border facilities in Texas and California. Aliens are held in these centers when they are apprehended at the time of entry or pending deportation.

Question 46. Name the states, other than California, that are not in compliance with Section 223(a)(13). What steps have OJJDP taken to encourage compliance?

Response. To date (March 12, 1980), OJJDP has received 47 of the 51 monitoring reports due. All of the 1979 reports received have been reviewed and analyzed. According to the most recently submitted state monitoring report, the following is a summary of compliance with Section 223(a)(13) of the Act. It should be noted that California is one of the four states which have not yet submitted the state monitoring report, the other 3 states being Alaska, Michigan and Montana. Thus, for these four states, it is the data and information contained in their 1978 report which is being presented.

There are 15 states reporting compliance with Section 223(a)(13) of the Act regarding separation of juveniles and adults. Twenty-two other states reported progress in the area of separation, while seven reflect no progress. OJJDP could not determine that progress was made in seven states due to a lack of sufficient information or the unavailability of data. This should be rectified upon receipt of the 1979 report or upon receipt of clarifying information.

Those 15 states which report compliance with the separation requirements are:

Connecticut, Delaware, District of Columbia, Hawaii, Maryland, Massachusetts, Michigan, New York, North Carolina, Rhode Island, Vermont, Puerto Rico, American Samoa, Guam, and Trust Territories.

The 22 states reporting progress are:

Alabama, Alaska, Arkansas, Colorado, Georgia, Illinois, Kansas, Louisiana, Maine, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, Ohio, Oregon, Pennsylvania, South Carolina, Virginia, Washington, and WestVirginia.

The seven states reporting no progress are:

Arizona, Kentucky, Tennessee, Virgin Islands, Indiana, Northern Marianas, and Wisconsin.

The seven states for which progress cannot yet be determined are:

California, Florida, Idaho, Iowa, Minnesota, Texas, and Utah.

The issue surrounding the rejecting of California's application for formula funds is based upon the situation that the California Plan for implementing Section 223(a)(13) would continue to permit contact between adult offenders and juvenile offenders within California Youth Authority institutions. Thus, their application was rejected because of a failure to adequately plan for compliance and not specifically because they are currently not in compliance. If California, in a good faith effort, had developed a plan and implemented such a plan according to an approved time frame for achieving full compliance, as the other states have done, then OJJDP would have been in a different position. If we had approved California's plan as presented, we would not have fulfilled our stewardship responsibility in implementing the JJDP Act.

In response to your question as to the steps taken to encourage compliance, OJJDP has done many things to assist and inform the states, including those agencies and organizations within the states, in an effort to encourage and promote compliance with Section 223(a)(13). Although they are too numerous to fully list, the following does present some of the measures taken.

Technical Assistance

The Office of Juvenile Justice and Delinquency Prevention in conjunction with a grant awarded to the University of Illinois, Community Research Forum, is currently providing direct technical assistance to public and private agencies in over 31 states and territories concerning the removal of children from adult jails and lock-ups. The methodology utilized in these projects focuses on a planning process designed to: (1) elicit citizen participation in the planning and implementation of juvenile programs and services, (2) identify the issues and problems experienced within the juvenile justice system, (3) provide a sound data base by which to assess existing juvenile justice practices and resources, (4) provide a sound policy analysis of juvenile justice practices and statutory guidelines, (5) develop a flexible network of alternative programs and services to meet the individual needs of each youth, and (6) assure systematic monitoring of all components of the juvenile justice system.

Technical assistance is typically provided in response to requests from public or private agencies at the local level who, for a variety of reasons, are faced with a crisis situation involving the handling of alleged juvenile offenders. Generally, such assistance is required due to court action, new legislation, and/or citizen pressure regarding court practices and the availability of adequate residential and non-residential alternatives for juvenile offenders. The primary issue posed by local officials is often "to build or not to build," and if so, "how large." Planning experience in this area has served to reinforce the importance of citizen participation, examination of intake criteria and procedures, and the availability of programmatic and other alternatives to meet the particular needs of each youth.

Research

Research projects are currently being supported by OJJDP which are directed toward the obstacles which retard the deinstitutionalization of juvenile and nonoffenders, particularly those youth held in adult jails and lock-ups. This research is being conducted by the Community Research Forum. Selected research studies currently underway include:

Juvenile suicides in adult jails and lock-ups.—This project will analyze the nationwide incidence of juvenile suicides in county jails, municipal lock-ups and separate juvenile detention facilities. Telephone and personal interviews will seek to identify predictive indicators of suicidal behavior as well as compare the rates of suicide and suicide attempts in each of the three facility types.

Cost analysis of removing juveniles from adult jails and lock-ups.—This project will examine the economic costs involved in the removal of juveniles from adult jails and lock-ups. Particular attention will focus on the costs in rural areas where the practice of jailing juveniles is most prevalent and the available resources most limited.

Planning regional services for youth.—This project will examine the advantages and disadvantages of regional services for youth in rural and semi-rural areas. Particular emphasis will be directed to the issues of transportation, access to services, maintenance of family ties, and the service and cost implications for removing juveniles from adult jails and lock-ups.

Rural opinion and attitudes on deinstitutionalization.—This project seeks to examine the level of citizen knowledge and attitudes concerning juveniles in adult jails conducted by the Children's Defense Fund. The findings and conwhich currently hold alleged juvenile offenders in adult facilities, and validate or expand upon the "myths" identified by the nine-State study of children in adult jails conducted by the Children's Defense Fund. The findings and conclusions will identify areas needing further research or public exposure.

Census of adult jails and lock-ups in the United States.—This project involves a review of previous state and Federal surveys as well as contact with national associations and state planning agencies concerned with adult jails and lock-ups.

An inventory of facilities will be prepared on a state-by-state basis with direct contact with city and county law enforcement agencies used to complete the Census.

Assessing the effectiveness of national standards detention criteria.—This project will survey four jurisdictions to assess the validity of the objective release/detention criteria recommended by the IJA/ABA Juvenile Justice Standards Project and the National Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice. The goal of the research is to determine the effectiveness of these criteria in protecting the public safety and the court process and minimizing secure pretrial detention.

Comparative analysis of juvenile codes.—This project will systematically examine each of the state juvenile codes to update the research conducted by the National Assessment of Juvenile Corrections in 1974. Particular areas of focus will be those areas of the code which deal with deinstitutionalizations of status offenders, separation of juveniles and adults, and monitoring of the juvenile justice system.

Public Education

An area of emphasis to assist and encourage compliance concerns the implementation of a public education strategy to enhance community and official awareness of the problem of juveniles in adult jails and lockups. This includes public education materials, media awareness, and workshop training sessions for those persons who manage or influence services for youth awaiting court appearance.

Regional workshops are conducted annually to provide guideline and program information to representatives of the State Planning Agencies and Juvenile Advisory Groups. These workshops address monitoring policies and guidelines, as well as other selected program topics centered around Section 223a(13).

OJJDP is presenting a National Symposium on Children in Jails on March 23–26, 1980. The objectives of this symposium, which is co-sponsored by the Community Research Forum and the National Coalition for Jail Reform, are to: (1) provide participants with the latest research about the problem of children in jails; (2) provide information about, and access to, successful alternatives to the practice of jailing children; (3) develop action plans, programs, and policies for the removal of children from jails; and (4) generate public support for the removal of children in jails.

A public service media campaign, in conjunction with the National Advertising Council and the Community Research Forum, is being developed on the subject of juveniles in adult jails. The Advertising Council was approached and has endorsed a campaign on this topic which offers an opportunity to take advantage of public service announcements in radio, television, and printed media outlets across the Nation. The sanction by the Ad Council translates the initial cost of developing the announcements into millions of dollars of media exposure.

Data Verification

The Office of Juenvile Justice and Deliquency Prevention is providing for an independent examination of the methods used to classify juvenile residential facilities for purposes of compliance with Section 223(a)(12) and (13) as well as an analysis of the data sources used to support statements of progress toward compliance with these Sections of the Act. The examination includes on-site verification of compliance data in county jails, police lock-ups, and juvenile detention and correctional facilities in over 450 counties in 43 states.

This examination includes:

(1) An analysis of definitions and methods used to develop "universe" of juvenile residential facilities and to determine their classification as "juvenile detention and correctional facilities" requiring the removal of status and non-offenders, or as "adult institutions" requiring sight and sound separation.

(2) An examination of the data sources used in the compilation of information concerning compliance with Section 223(a)(12) and (13). The data sources used by the states in the preparation of compliance data are diverse, ranging from the use of intake records at individual facilites to statewide computerized information systems.

(3) An examination of selected state and local facilities to verify the completeness and accuracy of the data sources used for preparing compliance reports. This includes an analysis of the degrees of separation (in those "institutions" holding both juveniles and adult offenders).

The principal benefit of this examination is the identification of problems in monitoring methodology such as misinterpretation of facility classification and compliance data requirements, incomplete or inaccurate compilation of data and unreliable sampling and collection methods. This analysis will serve as the basis for improvements in state methods of monitoring compliance with Section 223(a)(12) and (13) of the Act.

During the fieldwork phase of the project, information concerning successful programs and strategies for achieving deinstitutionalization of status and non-offenders, separation of juveniles and adult offenders, and the development of adequate systems of monitoring the juvenile justice system is being identified and documented for national distribution. While this effort is not intended to conclusively evaluate these porgrams and strategies, it will provide descriptive information which will prove helpful in future state and local planning.

The project entails an analysis of: (1) methods of classifying juvenile residential facilities, and (2) data sources utilized to provide compliance information. For each state and the OJJDP, technical assistance reports will be developed concerning the adequacy of the system for monitoring compliance with the deinstitutionalization requirements of the Juvenile Justice and Delinquency Prevention Act. Specific areas of emphasis are the authority to monitor data collection inspection methods, and procedures for reporting and investigating violations.

Following the completion of the fieldwork phase of the project, a series of workshops will be conducted on monitoring policy and practices as well as general topics of interest relative to the implementation of the Act. These workshops will be in the late summer or fall of 1980.

Program Initiative

The Formula Grant and Technical Assistance Division of OJJDP has developed a new program initiative for fiscal year 1980 entitled "Removing Children from Adult Jails and Lock-ups". This program is intended to provide the necessary resources, including both financial and technical to jurisdictions which will assist them in planning and implementing a viable strategy to remove juveniles from adult jails and lock-ups. The results sought from this initiative are:

The removal of juveniles from adult jails and lock-ups.

The development of a flexible network of service and placement options for alleged juvenile offenders and non-offenders based upon: (1) the least restrictive alternative, and (2) maintenance of a juvenile's family and community ties.

A planning and implementation process for removal which: (1) is based upon a recognition of youth rights and due process and which promotes the advocacy of such, and (2) uses active citizen participation and youth involvement.

The development and adoption of intake criteria, consistent with the standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other nationally recommended standards, for alleged juvenile offenders and non-offenders who are awaiting court appearance.

An enhanced capacity for parents, schools, and police to resolve problems of youth in a non-judicial manner and thus alleviate the use of jails and lock-ups. This includes, where appropriate, the coordination and integration of public and private child welfare services.

An identification and description of viable alternatives to the use of jails and lock-ups.

This initiative should be published in the Federal Register the week of March 17, 1980, for public comment and published to solicit applications during mid-May 1980.

Question 47. We understand at a minimum, the DOJ recommended to the White House a $135 million to $140 million cut in the OJARS fiscal year 1981 budget. What effect will this have on the fiscal year 1981 OJJDP budget? What reduction in MOE funds will be experienced under the DOJ proposed reduction? What recommendations, if any, have the DOJ made for additional reduction in OJARS positions? Similarly, explain any impact on OJJDP.

Response. As of this date the President has announced that there will be a substantial reduction in the OJARS fiscal year 1981 budget. However, the extent and nature of the reduction have not as yet been determined. The President will announce the details of his budget proposals by the end of March.

Under the maintenance-of-effort provision, any budget reduction in the programs authorized by the Justice System Improvement Act (JSIA) will result in a proportionate decrease in funds available for juvenile justice purposes. For example, if the JSIA formula and categorical grant programs are cut by $100 million, monies for juvenile justice decline by about $20 million. Juvenile justice programs supported by State and local formula monies or by national discretion ary or community anti-crime grants, will be curtailed.

Since the outcome of the budget discussions is not yet certain, no firm recommendations have been prepared for concomitant reduction in personnel. If the fiscal year 1981 cuts, as anticipated, fall heaviest on the JSIA financial assistance programs (community anti-crime, formula, national priority, and discretionary grants), then it is likely that there will be similar reductions in the positions allocated to manage these programs, as well as support personnel. In this instance, no direct impact on OJJDP is foreseen.

PART D. ISSUE: MISCELLANEOUS DOCUMENTATION

Question 4. The OJJDP grants awarded to the SPA Conference in 1979 and all progress, quarterly reports.

Responses. Progress and financial reports are not due until the end of April. OJJDP did not award any grants to the National Criminal Justice Association, formerly known as the SPA Conference, in fiscal year 1979. We did, in fiscal year 1980, transfer $70,000 to the Office of Criminal Justice Programs to supplement a grant they have for the period November 1, 1979 to October 31, 1980.

This supplement to the OCJP is to support the grantee's activities in some of the following juvenile justice areas:

1. Serve as liaison among the National Advisory Committee, the Federal Coordinating Council, and various public interest groups.
2. Work with state planning agencies and others concerned with finding acceptable options for the chronic hard-to place non-criminal children, which many states were claiming will prevent them from achieving 100 percent DSO.
3. Help states improve and develop their capacity to effectively monitor their progress on Section 223(a)(12) and (13) by:
    a. identifying compliance problems faced by SPAs, RPUs, courts, etc.; and
    b. recommending standard forms for data collecting in each state using the standard defiitions.
4. Assist states in applying the research materials and information available from NIJJDP.
5. Work with states, entitlements, RPUs, etc. to implement the new OJARS Legislation and its implications on Crime Control MOE funds.

Question 5. The evaluation of the OCACP Project "House of Umoja" Contract.

Response. The OCACP Program initiative under which the House of Umoja Neighborhood Anti-Crime Program was funded did not provide for an individual project level evaluation. This was basically due to the severely limited OCACP funds available for the project. This Office did, however, fund one comprehensive national evaluation of the initial Community Anti-Crime Program initiative. which will assess the entire program and its achievements. That evaluation is not yet complete and can be made available as soon as the final draft is approved.

Question 6:

MEMORANDUM

Subject Response to Questions Relating to JJDP Act Reauthorization.
To Ira Schwartz, Assistant Administrator, OJJDP.
From John Pickett, Director APM Staff, NIJ.

This is in response to Homer Broome's request of March 12, 1980. Specific information requested of the Institute is to "provide . . . the evaluation of grant (79-NI-AX-0072) awarded to the University of Chicago to study the impact of the New York State juvenile violence statute."

The title of this grant is "New York's Double Crackdown on Juvenile Violence: A Policy Experiment in General Deterrence." The period of award is from September 1, 1979 through August 31, 1981 and the award amount is $82,685. No results are available from the study at this time. It is still in its data collection phase. The purpose of the project is as follows:

> In 1976, the State of New York restructured its sentencing policy toward young violent offenders by creating a category of "designated felon" who, at the discretion of the judiciary, could be eligible for treatment as an adult

in the criminal courts. In 1978, the State of New York lowered the age of criminal responsibility for certain serious violent offenses, removing many juveniles from the Family Court to the jurisdiction and more severe penalties of the Criminal Court.

This study seeks to utilize this double crackdown to investigate the response of these specific age groups to the threat of increased sanctions. The projects basic design will be to compare over time in New York and non-New York jurisdictions the changes, if any, in age specific criminal behavior of New York's criminal justice system to determine the extent to which the level of sanctions administered did, in fact, increase.

Question 7. The OAI Reports regarding the review of 185 OCACP and OJJDP grants referred to at page 55 of the September, 1979 Management Brief.

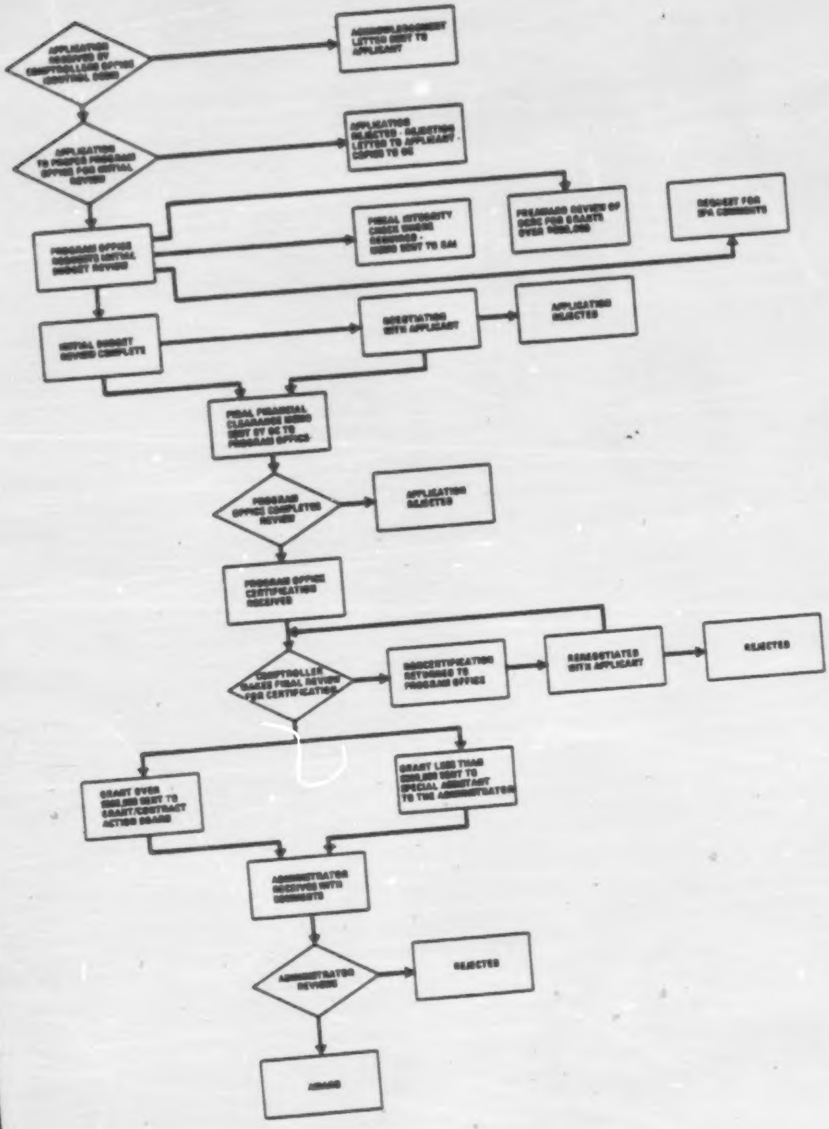
Response. Attached please find a copy of the OAI "Summary Report of the Community Anti-Crime Categorical Grant Audits," dated August 1, 1979.

Question 8. A copy of each OGC legal opinion and advisory memorandum regarding the JJA, the relevant position of the CCA and the operation of policies of OJJDP.

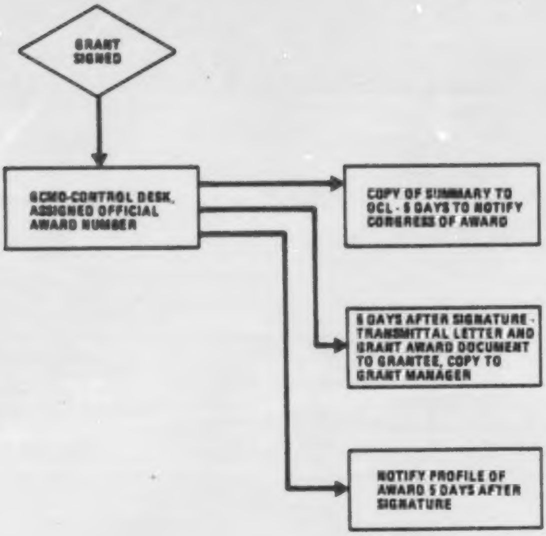
Response. The Office of General Counsel has issued numerous legal opinions and advisory memoranda that directly or indirectly affect the Juvenile Justice Act and the OJJDP program.

OGC has several file drawers of material related to the juvenile justice program. These files are always available to OJJDP and agency personnel for background or other use. Similarly, OGC would be pleased to open its files to subcommittee staff. Alternatively, OGC will gather legal materials related to specific issues or concerns and forward copies of these materials to the subcommittee at its request.

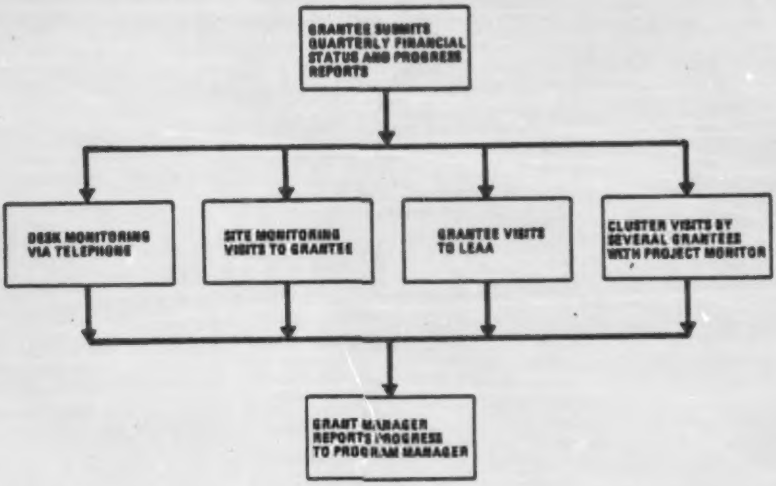
APPLICATION PROCESS


APPLICATION RECEIVED BY COMPTROLLER'S OFFICE (CONTROL DESK)
ACKNOWLEDGEMENT LETTER SENT TO APPLICANT
APPLICATION TO PROPER PROGRAM OFFICE FOR INITIAL REVIEW
APPLICATION REJECTED - REJECTION LETTER TO APPLICANT - COPIES TO OC
PROGRAM OFFICE REQUESTS INITIAL BUDGET REVIEW
FISCAL INTEGRITY CHECK UNDER REVIEWED - MEMO SENT TO OAI
PREAWARD REVIEW OF OCRC FOR GRANTS OVER [illegible]
REQUEST FOR EPA COMMENTS
INITIAL BUDGET REVIEW COMPLETE
NEGOTIATION WITH APPLICANT
APPLICATION REJECTED
FINAL FINANCIAL CLEARANCE MEMO SENT BY OC TO PROGRAM OFFICE
PROGRAM OFFICE COMPLETES REVIEW
APPLICATION REJECTED
PROGRAM OFFICE CERTIFICATION RECEIVED
COMPTROLLER MAKES FINAL REVIEW FOR CERTIFICATION
NONCERTIFICATION RETURNED TO PROGRAM OFFICE
RENEGOTIATED WITH APPLICANT
REJECTED
GRANT OVER [illegible] SENT TO GRANT/CONTRACT ACTION BOARD
GRANT LESS THAN [illegible] SENT TO SPECIAL ASSISTANT TO THE ADMINISTRATOR
ADMINISTRATOR RECEIVES WITH COMMENTS
ADMINISTRATOR REVIEWS
REJECTED
AWARD

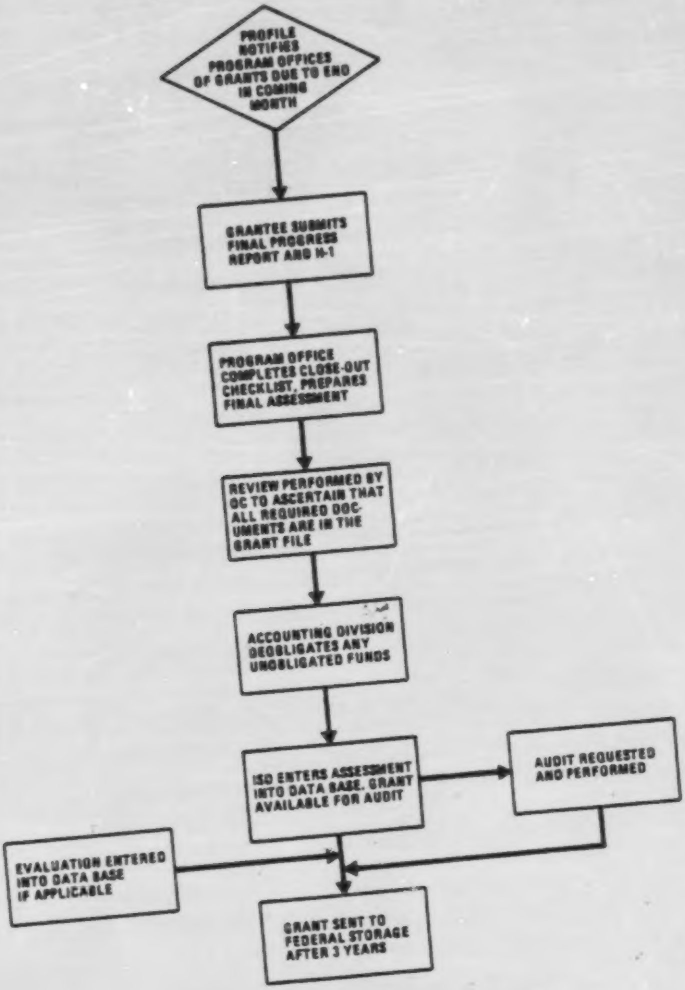
NOTIFICATION OF GRANT AWARD


GRANT SIGNED
GCMO-CONTROL DESK, ASSIGNED OFFICIAL AWARD NUMBER
COPY OF SUMMARY TO OCL - 5 DAYS TO NOTIFY CONGRESS OF AWARD
5 DAYS AFTER SIGNATURE - TRANSMITTAL LETTER AND GRANT AWARD DOCUMENT TO GRANTEE, COPY TO GRANT MANAGER
NOTIFY PROFILE OF AWARD 5 DAYS AFTER SIGNATURE

PROJECT ADMINISTRATION


GRANTEE SUBMITS QUARTERLY FINANCIAL STATUS AND PROGRESS REPORTS
DESK MONITORING VIA TELEPHONE
SITE MONITORING VISITS TO GRANTEE
GRANTEE VISITS TO LEAA
CLUSTER VISITS BY SEVERAL GRANTEES WITH PROJECT MONITOR
GRANT MANAGER REPORTS PROGRESS TO PROGRAM MANAGER

GRANT EXPIRATION


PROFILE NOTIFIES PROGRAM OFFICES OF GRANTS DUE TO END IN COMING MONTH
GRANTEE SUBMITS FINAL PROGRESS REPORT AND H-1
PROGRAM OFFICE COMPLETES CLOSE-OUT CHECKLIST, PREPARES FINAL ASSESSMENT
REVIEW PERFORMED BY OC TO ASCERTAIN THAT ALL REQUIRED DOCUMENTS ARE IN THE GRANT FILE
ACCOUNTING DIVISION DEOBLIGATES ANY UNOBLIGATED FUNDS
ISD ENTERS ASSESSMENT INTO DATA BASE. GRANT AVAILABLE FOR AUDIT
AUDIT REQUESTED AND PERFORMED
EVALUATION ENTERED INTO DATA BASE IF APPLICABLE
GRANT SENT TO FEDERAL STORAGE AFTER 3 YEARS

Answers Supplied by the OJJDP in Response to Questions at Hearings

1. How much money did the Office start FY 1980 with?
$129,520,746.
a. How much was prior year money?
$26,650,746 minus $2,130 reverted 80 money=$24,520,746.
b. How much was 1980 money?
$105,000,000 (including $2.1M reverted 80 money).
c. How much was Crime Control Act money?
$10,144,273 (FY 70), $5,000,000 (FY 80)=$15,144,213.
d. How much was JJDP Act money?
$100,000,000 (FY 80), $14,376,472 (FY 79).

2. Of the total available at the beginning of the year, how much and what percent has now been obligated?
$20,236,801 or 30%.

3. At the beginning of FY 1980, how much *discretionary* money did OJJDP have available from the sources listed below, and for each, how much and what percent are now obligated?

	Available, Oct. 1, 1979	Obligated, Mar. 1, 1980	Percentage of Oct. 1, dollars obligated as of Mar. 12
1979 JJ special emphasis	$15,794,987	$4,273,947	27
1980 special emphasis	21,250,000	399,480	2
Total special emphasis	37,044,987	4,673,427	13
1979 Crime Control Act	10,144,273	8,284,258	82
1980 Crime Control Act	5,000,000	700,000	14
Total Crime Control Act	15,144,273	8,984,258	59
CFE:			
1979 (477,051)	1,477,051	650,000	44
1980 (1,000,000)			
TA:			
1979 (215,248)	3,215,248	2,790,790	87
1980 (3,000,000)			
NIJJDP:			
1979 (19,187)	11,019,187	3,138,326	28
1980 (11,000,000)			
Total	67,900,746	20,236,801	

PART IV.—ADDITIONAL STATEMENTS OF THE DEPARTMENT OF JUSTICE

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

PROGRAM ACTIVITY

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

DEPARTMENT OF JUSTICE

Prepared By

JOHN M. RECTOR, ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

MARCH 20, 1979

Introduction

Many interested persons and supporters have sought specifics regarding our efforts to implement the Senator Birch Bayh Juvenile Justice Act since October 1, 1977, the beginning of Fiscal Year 1978. I'm certain that the information herein will assist in developing a fuller understanding of the nature and extent of the progress to date.

Among the highlights are the following:

A. 74% of the Bayh Act discretionary funds appropriated since FY 75 have been awarded since October 1, 1977;

B. 70% of the total Bayh Act discretionary awards have been made since October 1, 1977;

C. 63% of the Bayh Act formula grant funds appropriated since FY 75 have been awarded since October 1, 1977; and

D. 70% of the FY 79 Bayh Act funds available to OJJDP on October 1, 1978 were awarded by March 1979.

It is obvious that OJJDP critics who have unjustly dwelt on issues of performance will be murdered by this cruel gang of facts.

With warm regards,

John M Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

INTRODUCTION

I. Juvenile Justice Act Formula Grant

II. Juvenile Justice Act Discretionary Grants

III. Office of Juvenile Justice and Delinquency Prevention's Crime Control Act Grants

IV. TOTAL ACTIVITY

I. Formula Grant Program (October 1, 1978 to March 1979)

A. Grant Activity

(a)	FY 79 Appropriation	$63,750,000
(b)	47 Awards to date	59,136,000
(c)	3 Awards with serious problems (N.J., D.C. and Mont.)	2,495,000
(d)	Reverted formula funds available as discretionary from awards not made to non-participating states. (Neb., Nev., N.D., Okl., S.D. and Wy.)	2,119,000

B. Performance to date

(a)(i)	Percent of FY 79 OJJDP Formula funds awarded by March 1979:	95.9%

allocated: $61,631,000
awarded: $59,136,000

(ii)	Percent of FY 78 OJJDP formula funds awarded by March 1978	60.0%

allocated: $71,711,750
awarded: $43,416,000

(b)	Percent of grants awarded by March 1979:	94%

planned: 50
awarded: 47

C. Formula Grant Award History

(a)	FY 75	$ 8,936,648
	FY 76	24,129,580
	FY 77	43,077,406
	FY 78	71,711,750
	FY 79	59,136,000
	(3/79)	$206,991,384

(b) Since October 1, 1977, OJJDP has awarded $130,847,750 in formula funds.

(c) Since October 1, 1978, OJJDP has awarded 29% of total formula funds appropriated in OJJDP history.

(d) Since October 1, 1977, OJJDP has awarded 63% of total formula funds appropriated in OJJDP history.

D. Relative figures on the award, subgranting and expenditure of formula grant funds.

(a) Testimony before Congress in April 1977 by then Acting LEAA Administrator revealed the following:

	FY/Formula Grant Award	% Subgranted as of 12/3/76	% Expended as of 12/3/76
	75 -- $9.25M		
	76 -- 24.50M		
	33.8M	27% (9,126,000)	6% (2,000,000)
(b)	As of 9/30/78	9/30/78	9/30/78
	75	96%	91%
	76	94.4%	73.2%
		95.2%	82.1%
(c)	As of 9/30/78		
	77 -- $43,077,406	85.6%	44.9%
	78 -- $61,211,750	48.5%	8.1%

(d)

(1) In 17 months (5/77 through 9/78) the states increased the percent of FY 75-76 funds subgranted from 27% to 95.2% and increased the percent of FY 75-76 funds expended from 6% to 82.1%.

(ii) Of the $97,946,515 subgranted by the states as of 9/30/78, 90% or $88,820,515 occurred between 5/77 and 9/78.

(iii) Of the $50,106,300 expended by the states as of 9/30/78, 96% or $48,106,300 occurred between 5/77 and 9/78.

(e) For comparative purposes it is noteworthy that at the end of LEAA's third fiscal year, 1971, the following was reported by the House Committee on Government Operations:

FY 69-71 Awarded	Subgranted	Expenditures
$552,034,602	25.1% ($138,475,771)	No figures kept
	18.8% (9 major states)	

The Committee, in its Report entitled, "Block Grant Programs of the Law Enforcement Assistance Administration," House Report No. 92-1072 (92nd Cong., 2d Session), 5/18/72, Chairman Chet Holifield, concluded the relevant chapter III, Program Paralysis with the following observations:

> The 'difficulties and delays' are no less now than 4 years ago when the programs started.
>
> Delays caused by reasonable grant application procedures, procurement actions, review steps, and guideline interpretations are understandable. The problem discussed here, however, goes deeper than those obvious factors. It is one which has as its root the inadequate management and direction which have been provided to the programs by LEAA and the States. A more fundamental cause may be the structure of the block grant delivery system itself.
>
> Block grants provide a guaranteed annual income to a State upon submission of a technically sufficient plan without regard to the amount which the SPA has been able to usefully spend in previous years.

II. Juvenile Justice Act Discretionary Programs (Concentration of Federal Effort, Special Emphasis, Technical Assistance and the Institute)

A. Grant Activity

(a) Available for FY 79	$ 44,122,000
(b) Awarded by March 1979	16,506,000
(c) Remainder earmark as follows:	
(i) OJJDP's Institute for Juvenile Justice and Delinquency Prevention	3,923,000
(ii) Technical Assistance	2,651,000
(iii) Continuation of Prevention Projects	2,996,000
(iv) Continuation of Federal Effort Projects	914,000
(v) Model Programs	2,632,000
(vi) School Resource Center	2,500,000
(vii) Youth Advocacy Initiative	8,000,000
(viii) Alternative Education Initiative	4,000,000
	$ 27,616,000

B. Performance to date:

(a)(i) Percent of total available awarded to date	38%
(ii) Percent of total available awarded March 78	8%

(a)(i) figures:

allocated: $44,122,000
awarded: $16,506,000

(ii) figures:

allocated: $70,500,000
awarded: $ 5,400,000

(b)(i) Percent of discretionary grants awarded by March 1979 38.5%

planned: 112
awarded: 43

(ii) Percent of discretionary grants awarded by March 1978 11%

78 year total: 172
awarded: 20

C. Juvenile Justice Act Discretionary Funds

(a) Juvenile Justice Act Discretionary Awards 75-78

F. Year	Amount	Number	Appropriation	% of Total Approp. Awarded
1975	0	0	$14M	0
1976	$14.2M	46	$16M	15
- 5.7M OJJDP Institute - 4.1M Transferal to HEW - 1.5M To SPAs - 2.9M Unsolicited				
1977	$13.8M	45	$27.375M	15
- 5.8M OJJDP Institute - 2.0M Transferal to HEW - 5.8M Prevention - .2M Other				
1978	$65M	172	$36.250M	70
- 16M OJJDP Institute - 6.6M Prevention - 1.8M Technical Assistance - 1.8M Concentration of Federal Effort - 7.6M Model Programs - 3.5M Restitution - 4.0M Children in Custody:Incentive - 4.7M Children in Custody:Privates - 10.5M Nonoffender/Children in jail state project - 6.0M State and local projects (Track II) - 1.7M Deinstitutionalization of Status Offenders 65M				
	$93M	263	$93M	100

III. Crime Control Act Funds Available to OJJDP

(a) LEAA Parts C and E funds available for FY 79		$21,000,000
(b) Part C		
-- available		5,000,000
-- awarded		3,772,000
-- percent of total awarded	75%	
-- remainder earmarked for Project New Pride (Serious Offenders)		1,228,000
(c) Part E		
-- available		16,000,000
-- awarded		3,419,000
-- percent of total awarded	21%	
-- remainder earmarked for:		
(i) Continuation of Diversion		3,221,000
(ii) New Pride		9,360,000
		$12,581,000
(d)(i) Percent of OJJDP's C and E awarded by March 1979	34%	
(ii) Percent of OJJDP's C and E awarded by March 1978	0%	

IV. OJJDP TOTAL ACTIVITY

A. Grant Activity

(a)	Available Oct. 1, 78	Awarded March 79
Formula Grants	$ 61,631,000	$ 59,136,000
Juvenile Justice Act Discretionary	44,122,000	16,506,000
Crime Control Act Discretionary	21,000,000	7,191,000
	$126,753,000	$ 82,833,000

(b)	Percent awarded of total available as of March 79	65%
(c)	Percent awarded of total Juvenile Justice Act available as of March 79	70%

(b) Percent awarded of total available as of March 79 — 65%

-- available $127M
-- awarded $ 83M

(c) Percent awarded of total Juvenile Justice Act available as of March 79 — 70%

-- available $107,872,000
-- awarded $ 75,642,000

(d)(i) Percent awarded of all available discretionary funds as of March 79 — 37%

-- available $65M
-- awarded $24M

(ii) Percent awarded of all available discretionary funds as of March 78 — 5.8%

-- available $93M
-- awarded $5.5M

(e) Total projects awarded of total planned for FY 79, March 1979 — 55%

-- planned 162
-- awarded 90

(f) As of Feb. 5, 1979, OJJDP awards accounted for 47.7% of the total awarded by LEAA in FY 1979. This contrasts with 7.25% at the same juncture last year.

(g) Of the total $110M Juvenile Justice Act discretionary funds awarded since FY 1975, 74% or $81.5M has been awarded in the past 18 months (since Oct. 1, 1977).

(h) Of the total 296 awards of Juvenile Justice discretionary funds made since FY 1975, 69% or 205 have been awarded in the past 18 months (since Oct. 1, 1977).

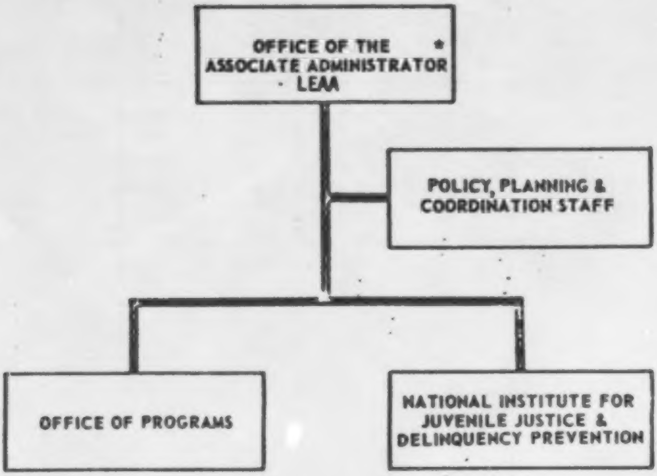
(i) As of March 1979, a total of 50 full-time OJJDP employees were on board. As of March 1978, 44 such persons were employed.

(j) The following chart reflects relative grant activity of major LEAA Offices. It is based on information submitted by the Office of Comptroller, LEAA, and published in the November 1978 Monthly Management Briefs prepared by the LEAA Office of Planning and Management:

PERCENT OF TOTAL CATEGORICAL AWARDS PER QUARTER -- FY 1978

Office	Oct/Dec	Jan/Mar	Apr/June	July/Sept	Percent
Office of Juvenile Justice and Delinquency Prevention	8.1	10	40	41.9	100
Office of Criminal Justice Programs	12.2	13.5	23	51.3	100
Office of Community Anti-Crime	3.5	14.1	30	52.1	100
National Institute of Law Enforcement and Criminal Justice	12.5	10.5	22.2	54.8	100
Average: OJJDP OCJP OCAC NILECJ	9.5	12.5	27.5	50.5	
All LEAA	11.0	17.7	27.1	44	

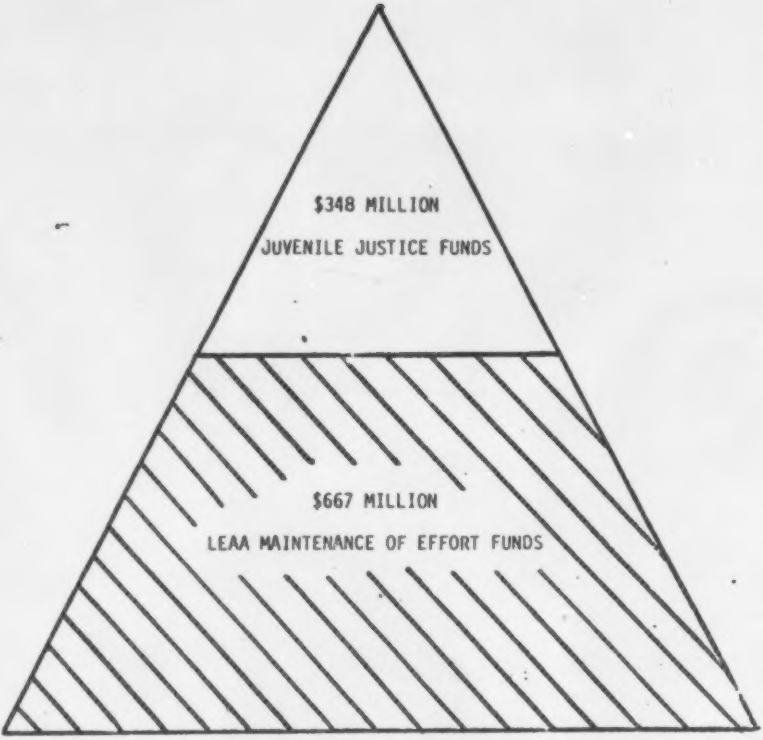
FIGURE 15-1. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ORGANIZATION CHART


OFFICE OF THE ASSOCIATE ADMINISTRATOR LEAA *
POLICY, PLANNING & COORDINATION STAFF
OFFICE OF PROGRAMS
NATIONAL INSTITUTE FOR JUVENILE JUSTICE & DELINQUENCY PREVENTION

* ALSO ADMINISTRATOR, OJJDP

FEDERAL JUVENILE DELINQUENCY FUNDS
AVAILABLE THROUGH
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT*

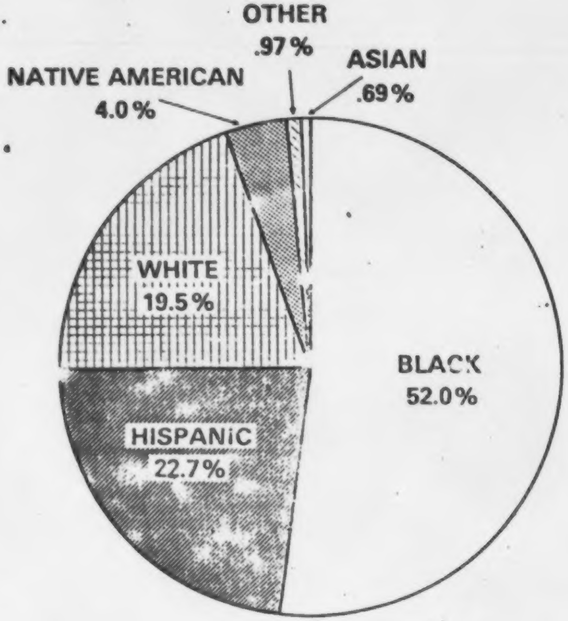
FY75 - FY79



*Excludes Title III Funds

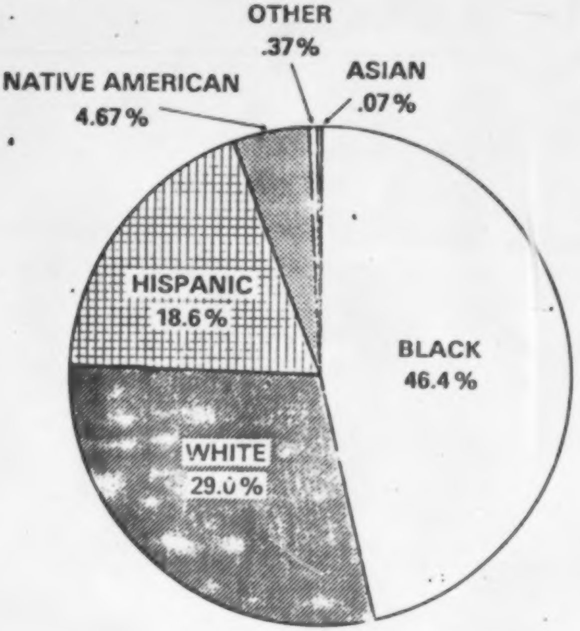
PREPARED BY THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SPECIAL EMPHASIS PREVENTION INITIATIVE BY RACE AND SEX — OCTOBER 30, 1978



NOTE: MALE 52.0%
FEMALE 48.0%

SPECIAL EMPHASIS DIVERSION PROGRAM BY RACE AND SEX — SEPTEMBER 1, 1978



SPECIAL EMPHASIS PREVENTION INITIATIVE BY RACE AND SEX - OCTOBER 30, 1978

	MALE	FEMALE	ASIAN	BLACK	HISPANIC	WHITE	NATIVE AMERICAN	OTHER	TOTAL
*VENICE	119	67	1	74	79	27	0	4	185
TULARE	171	83	8	43	131	59	3	10	254
SALVA. ARMY	547	322	0	618	4	216	27	4	869
CHICAGO	76	62	0	72	48	14	1	3	138
MFS	194	131	0	243	4	73	4	1	325
**BOYS CLUBS (1 site)	44	5	0	47	2	0	0	0	49
PHILADELPHIA	0	642	1	361	136	142	1	1	642
TUSKEGEE	720	505	0	1223	2	0	0	0	1,225
FT. PECK	133	132	1	2	0	1	261	0	265
UNITED NEIGH. HOUSES	442	267	17	366	199	125	0	3	710
DALLAS	805	647	0	956	156	285	13	2	1,452
SEATTLE	573	493	28	525	58	356	54	42	1,063
*GIRLS CLUBS	0	172	8	19	61	81	2	1	172
NEW HAVEN	375	423	1	242	100	416	91	17	785
BOSTON	35	25	0	14	36	7	0	3	60
ASPIRA	601	503	0	32	1056	16	0	0	1,104
TOTAL	4,835	4,479	65	4,837	2,112	1,818	375	91	9,298
% of TOTAL	52.0	48.0	.69	52.0	22.7	19.5	4.0	.97	

*Only partial count/data not yet in computer
**Only 1 site reporting according to NCCD all data is 20% less than actual count

(Total Minority 7480 % of Total 80%

SPECIAL EMPHASIS DIVERSION PROGRAM BY RACE AND SEX SEPT. 1, 1978

	% of TOTAL	Central Denver	Rosebud	Memphis	Boston	Florida	Kentucky	Milwuakee	Puerto Rico	MFY	Harlem	John Jay	Tot
FEMALE		31	NA	185	39	161	95	NA	NA	NA	NA	37	547
MALE		287	NA	1,369	275	527	599	NA	NA	NA	NA	510	3,567
WHITE	29.0	56		532	175	444	232	119				112	1,67
BLACK	46.4	116		1,020	90	239	451	233		2	189	266	2,6
HISPANIC	18.6	141			44			16	489	187	1	167	1,04
ASIAN	.07						4	NA					
NAT. AM.	4.67		260					2					26
OTHER	.37			2	5	4	7	1				2	2
TOTAL		313	260	1,554	314	687	694	371	498	189	190	547	5,608

Total Minorities - 3938
% of Total 70%

SPECIAL EMPHASIS DEINSTITUTIONALIZATION OF STATUS OFFENDERS INITIATIVE THROUGH JUNE, 1978

BY RACE AND SEX

	Arizona	Alameda	S.Lake Tahoe	Conn.	Delaware	Illinois	Ohio	S.C.	Vancouver	Spokane	Total	% of Total
FEMALE	1,800	1,632	381	287	738	1,679	88	2,758	411	580	10,332	52.9
MALE	793	1,305	246	128	877	1,038	63	4,102	283	362	9,197	47.0
WHITE	2,167	1,843	596	304	1,231	1,424	148	4,636	679	881	13,509	67.7
BLACK	328	680	3	76	367	1,104	2	2,210	3	20	4,780	23.1
HISPANIC	839	290	19	30	22	194			1	1	1,376	6.6
ASIAN	15	46	2		1	3		2	4	7	79	.3
NAT. AM.	189	20	2	1	1	14	1	5	3	25	261	1.2
OTHER	39	75	2	4	6	20		6	1	7	160	.7
TOTAL	3,594	2,933	624	415	1,618	2,719	151	6,859	691	941	20,545	
% of Total	17.4	14.2	3.0	2.0	7.8	13.2	.7	33.3	3.3	4.5		

Total Minority 6,336
% of Total .31%
Cost Per Child $577

NOTE: Disparity between sex and ethnic count totals. Data has not been finalized by evaluators

JJDP FUNDS AWARDED TO STATES BY FISCAL YEAR						
	1975	1976	1977	1978 & Supp. #1	1979	TOTAL
ALABAMA	$	$	$ 813,000	$ 1,280,000	$ 1,101,000	$ 3,194,000
ALASKA	200,000	250,000	200,000	246,000	225,000	1,121,000
ARIZONA	200,000	250,000	425,000	807,000	701,000	2,383,000
ARKANSAS	200,000	250,000	432,000	726,000	616,000	2,224,000
CALIFORNIA	680,000	2,450,000	4,373,000	6,910,000	5,949,000	20,362,000
COLORADO		286,000	510,000	872,000	755,000	2,423,000
CONNECTICUT	200,000	378,000	673,000	1,006,000	853,000	3,110,000
DELAWARE	200,000	250,000	200,000	253,000	225,000	1,128,000
DIST. OF COLUMBIA	200,000	250,000	200,000	256,000	225,000	1,131,000
FLORIDA	216,000	779,000	1,390,000	2,545,000	2,165,000	7,095,000
GEORGIA	200,000	607,000	1,083,000	1,776,000	1,519,000	5,185,000
HAWAII			200,000	368,000	268,000	776,000
IDAHO	200,000	250,000	200,000	303,000	262,000	1,215,000
ILLINOIS	389,000	1,402,000	2,501,000	3,801,000	3,255,000	11,348,000
INDIANA	200,000	679,000	1,213,000	1,862,000	1,578,000	5,532,000
IOWA	200,000	360,000	643,000	972,000	825,000	3,000,000
KANSAS				735,000	635,000	1,370,000
KENTUCKY	**		734,000	1,176,000	1,011,000	2,921,000
LOUISIANA	200,000	512,000	915,000	1,433,000	1,239,000	4,299,000
MAINE	200,000	250,000	227,000	366,000	313,000	1,356,000
MARYLAND	200,000	510,000	910,000	1,401,000	1,192,000	4,213,000
MASSACHUSETTS	200,000	693,000	1,236,000	1,885,000	1,583,000	5,597,000
MICHIGAN	333,000	1,200,000	2,142,000	3,278,000	2,753,000	9,706,000
MINNESOTA	200,000	510,000	910,000	1,374,000	1,173,000	4,167,000
MISSISSIPPI	* 200,000			901,000	770,000	1,871,000
MISSOURI	200,000	573,000	1,024,000	1,568,000	1,333,000	4,698,000
MONTANA	200,000	250,000	200,000	267,000	227,000	1,144,000
NEBRASKA	**					
NEVADA	* 13,211					13,211
NEW HAMPSHIRE	200,000	250,000	200,000	281,000	239,000	1,170,000
NEW JERSEY	245,000	881,000	1,571,000	2,411,000	2,043,000	7,151,000
NEW MEXICO	200,000	250,000	768,000	446,000	386,000	2,050,000
NEW YORK	599,000	2,157,000	3,850,000	5,988,000	4,919,000	17,513,000
NORTH CAROLINA				1,867,000	1,588,000	3,455,000
NORTH DAKOTA	*** 20,750	*** 7,080	**			27,830
OHIO	383,000	1,380,000	2,463,000	3,756,000	3,114,000	11,096,000
OKLAHOMA						
OREGON	200,000	258,000	460,000	742,000	644,000	2,304,000
PENNSYLVANIA	395,000	1,420,000	2,536,000	3,772,000	3,201,000	11,324,000
RHODE ISLAND		250,000	200,000	298,000	252,000	1,000,000
SOUTH CAROLINA	200,000	353,000	629,000	1,028,000	[illegible],000	3,051,000
SOUTH DAKOTA	*** 55,668	*** 37,000	* 56,406			149,074
TENNESSEE	* 97,018		874,000	1,409,000	1,204,000	3,584,0[illegible]
TEXAS	410,000	1,476,000	2,635,000	4,369,000	3,797,000	12,687,000
UTAH				491,000	420,000	911,000
VERMONT	200,000	250,000	200,000	248,000	225,000	1,123,000
VIRGINIA		582,000	1,042,000	1,676,000	1,434,000	4,742,000
WASHINGTON	200,000	429,000	764,000	1,180,000	1,020,000	3,593,000
WEST VIRGINIA				597,000	513,000	1,110,000
WISCONSIN	200,000	584,000	1,044,000	1,608,000	1,355,000	4,792,000
WYOMING						
PUERTO RICO	200,000	435,000	776,000	1,283,000	1,353,000	4,047,000
AMERICAN SAMOA		62,000	50,000	58,250	56,250	226,500
GUAM	50,000	62,000	50,000	62,250	56,250	[illegible]
TRUST TERRITORIES	50,000	62,000	50,000	60,250	56,250	278,500
VIRGIN ISLANDS	50,000	62,000	50,000	64,250	56,250	282,500
No. Marianas					56,250	
TOTAL	$9,186,647	$24,191,590	$43,127,406	$[illegible],997,000	$61,630,250	

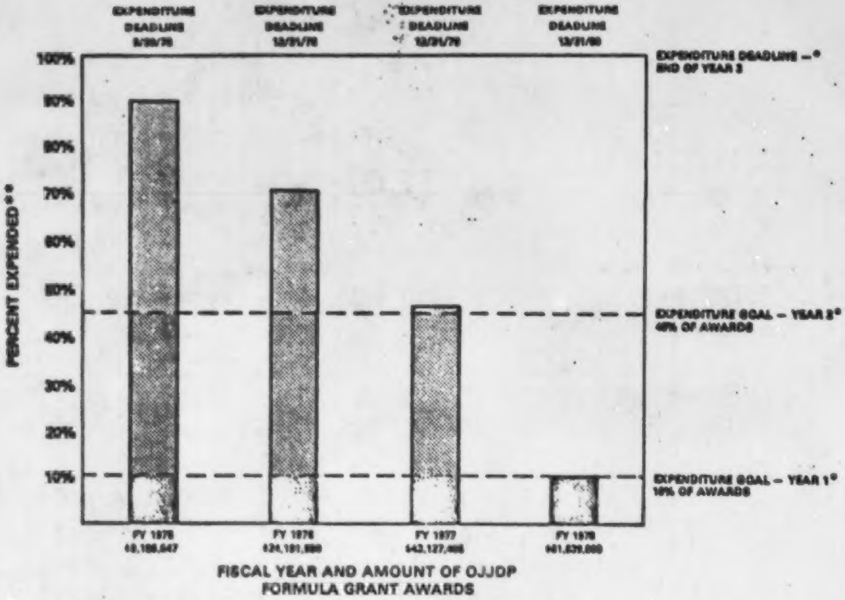
*State received and obligated this amount of JJDP funds; subsequently withdrew from Act. 20.

**State received Formula Award forthis FY; but withdrew and returned full amount to LEAA.

*** Participated for full fiscal year; Withdrew in FY 1977 and returned all unobligated formula fund

FORMULA GRANT FUND FLOW

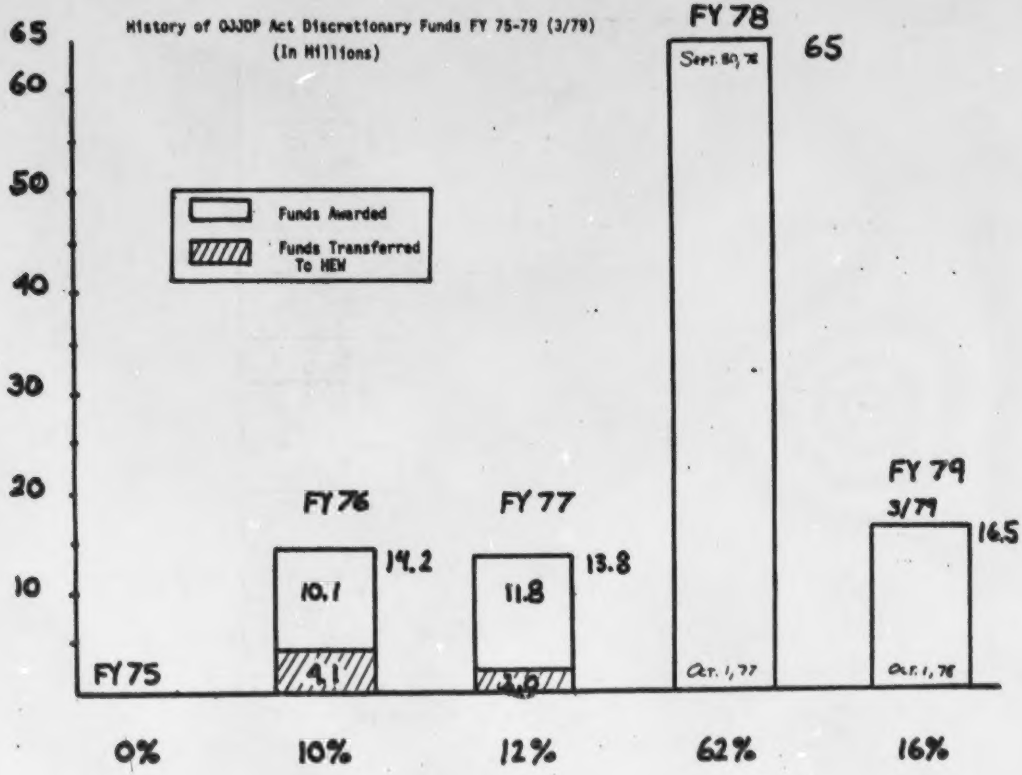
AS OF 3/1/79



* FORMULA FUNDS HAVE 3 YEAR LIFESPAN; EXPENDITURE RATE GOALS ESTABLISHED BY LEAA'S COMPTROLLER

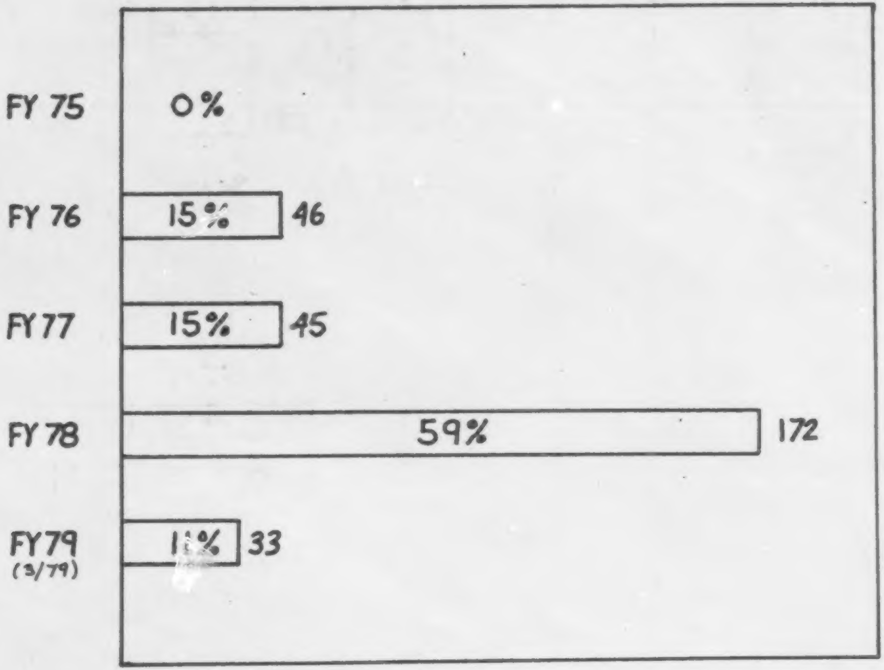
** PERCENTAGES REPRESENTATED ARE BASED ON INCOMPLETE DATA. FY 75 AND FY 76 EXPENDITURE PERCENTAGES WILL NEAR 100% WHEN ALL STATES HAVE SUBMITTED FINAL FISCAL DATA.

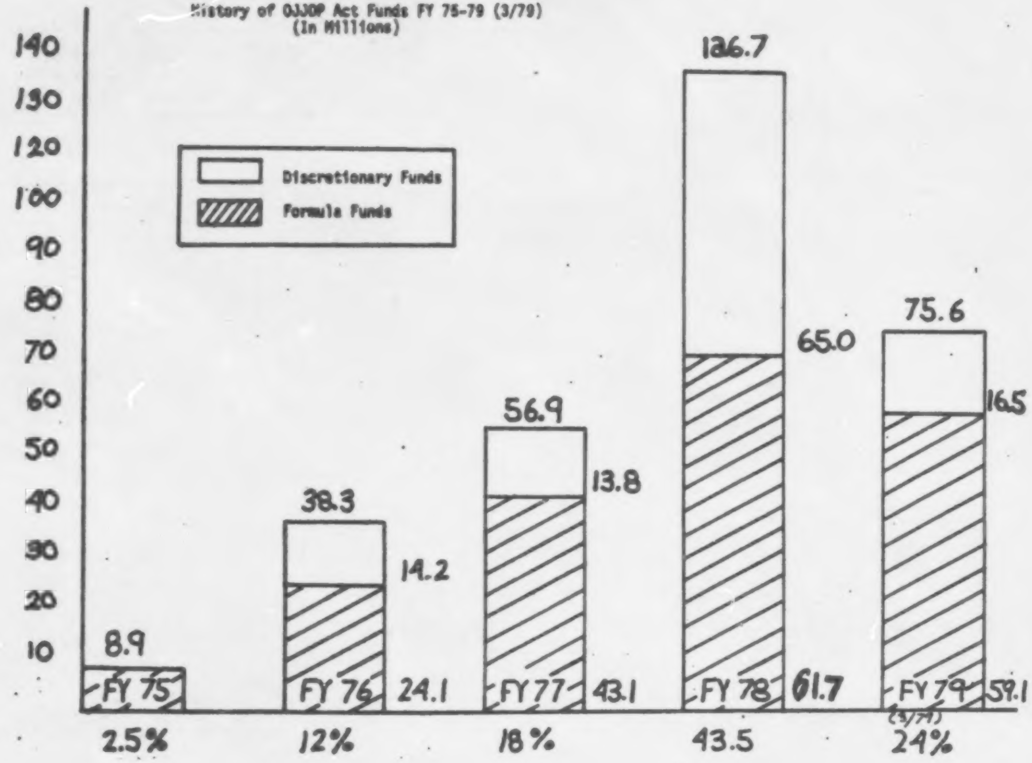
BASED UPON DATA DEVELOPED BY THE LEAA COMPTROLLER AND THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS



History of OJJDP Act Discretionary Funds FY 75-79 (3/79)
(In Millions)

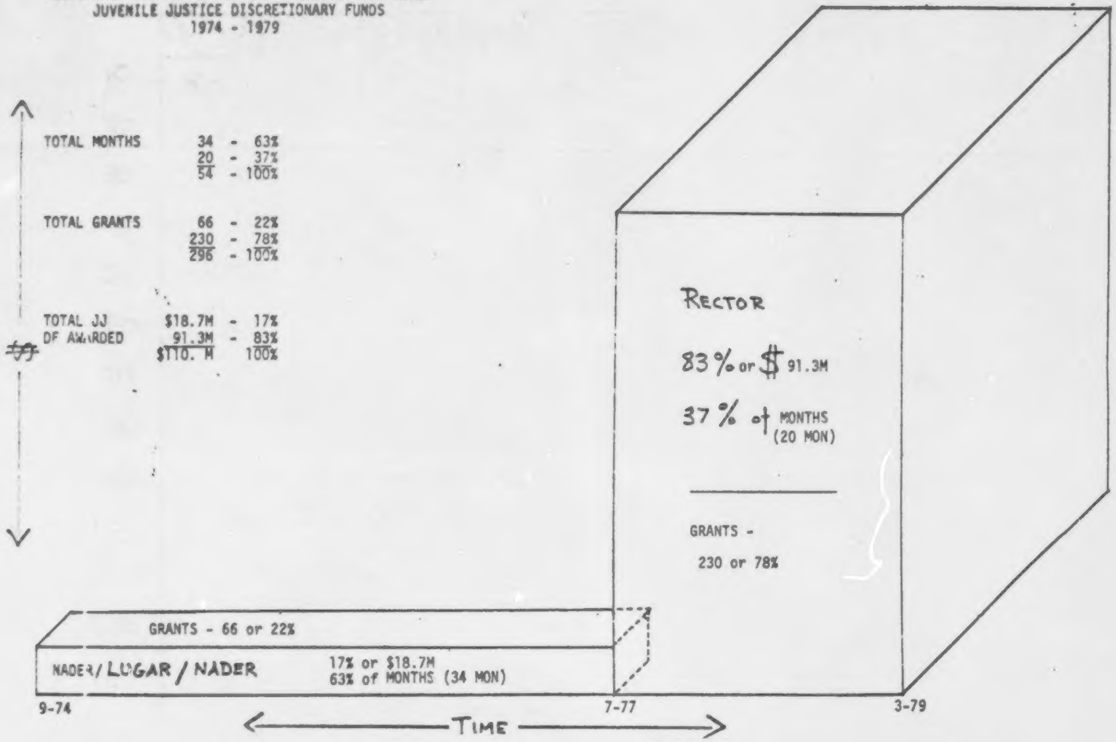
OJJDP ACT DISCRETIONARY GRANT ACTIVITY FY 75-79 (3/79)
(Percent of Total To Date by Year)





History of OJJDP Act Funds FY 75-79 (3/79)
(In Millions)

HISTORY OF THE AWARD AND GRANT ACTIVITY OF OJJDP
JUVENILE JUSTICE DISCRETIONARY FUNDS
1974 - 1979



TOTAL MONTHS	34	- 63%
	20	- 37%
	54	- 100%
TOTAL GRANTS	66	- 22%
	230	- 78%
	296	- 100%
TOTAL JJ OF AWARDED	$18.7M	- 17%
	91.3M	- 83%
	$110. M	100%

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

March 5, 1980

Senator Birch Bayh, Chairman
Subcommittee on the Constitution
U.S. Senate
Washington, D.C. 20510

Dear Senator Bayh:

Attached please find the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. These recommendations were adopted by the NAC at its February 21-23, 1980, meeting and represent the Committee's final position regarding reauthorization.

The National Advisory Committee wishes to express its strong support for the existing legislation particularly the provisions regarding the deinstitutionalization of status offenders, the separation of adults and juveniles in institutions, the emphasis on advocacy, the 75 per centum requirement to determine compliance regarding deinstitutionalization, and the monitoring of jails, detention and correctional facilities.

The Advisory Committee has also considered a recommendation to revise the Act to include an emphasis on the violent, serious and chronic repeat offender. Although it is an important issue, the NAC opposes any such revision because the current LEAA legislation permits the use of its funds for such purposes, and because the Juvenile Justice and Delinquency Prevention Act has and continues to make important strides toward removing from the Justice System youngsters not needing its control.

The NAC does recommend that the Act be revised to provide that the Office of Juvenile Justice and Delinquency Prevention be a separate organizational entity under the Office of Justice Assistance, Research and Statistics and on an organizational par with the Law Enforcement Assistance Administration, the National Institute of Justice and the Bureau of Justice Statistics. The Advisory Committee further recommends that the National Institute for Juvenile Justice and Delinquency Prevention remain with OJJDP and retain its authority to conduct basic research.

Additionally, the NAC is recommending amendments which would:

(1) target additional attention and resources on the problems of disadvantaged and minority youth;

(2) expand the list of jurisdictions that qualify as "States" eligible for funding under the Act;

(3) clarify the term "juvenile detention or correctional facilities";

(4) strengthen activities to coordinate Federal juvenile delinquency efforts;

(5) provide for representation of State Advisory Groups on the National Advisory Committee for Juvenile Justice and Delinquency Prevention and amend the appointment process to the NAC to allow members to serve until their replacements are appointed;

(6) strengthen the role of the State Advisory Groups; and

(7) transfer the authority for the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

The Advisory Committee recommends a four year authorization period, an authorization level of $200,000,000 for the fiscal year ending September 30, 1981, and an appropriation level of $140,000,000 for FY81. The NAC also supports the recommendation of the OJARS reorganization proposal that fifty additional staff be allocated to OJJDP.

In summary, the members of the Committee wish to express their appreciation to you, the members of your Subcommittee, and the Subcommittee staff for the opportunity to comment on reauthorization and we hope that our recommendations are helpful. We are pleased with progress under the Act thus far and have high expectations for the future.

Sincerely,

C. Joseph Anderson

C. Joseph Anderson, Chair
National Advisory Committee
for Juvenile Justice and
Delinquency Prevention

CJA/TK/sr

Enclosure

CC: Mary Jolly

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

RECOMMENDATIONS

1. Section 101(a)(4) should be amended as follows:

> existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and drugs, particularly nonopiate or polydrug abusers;

2. Section 101(a) should be further amended as follows:

> (6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; (~~and~~)
>
> (7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency(~~.~~);
>
> (8) because of race, economic standing, sex, language, culture, handicap, mental disability, or other artificial barriers, whole classes of young people have not had their needs adequately met by human service professions in the United States;
>
> (9) cultural segregation, both on the mainland United States and its territories, has led to isolation and alienation of young Americans; and
>
> (10) existing programs have not adequately responded to the particular problems of minority and disadvantaged youth.

3. Section 103(4) and 103(5) should be amended as follows:

> (~~(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101 (a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;~~)
>
> (4) the term "Office of Justice Assistance, Research, and Statistics" means the agency established by section 801(a) of the Justice System Improvement Act of 1979.
>
> (5) the term (~~"Administrator"~~) "Director" means the agency head designated by section (~~101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended~~) 801(a) of the Justice System Improvement Act of 1979.

4. Section 103(7) should be amended as follows:

> (7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, (~~and any territory or possession of the United States;~~)

the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

5. Section 103(12) should be revised as follows:

 ~~-(12)-the-term-"correctional-institution-or-facility"-means-any-place-for the-confinement-or-rehabilitation-of-juvenile-offenders-or-individuals charged-with-or-convicted-of-criminal-offenses;-and~~

 (12) the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and

6. Section 201(a) should be amended as follows:

 (a) There is hereby created within the Department of Justice, (~~Law Enforcement-Assistance-Administration~~) Office of Justice Assistance, Research, and Statistics, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The (~~Administrator)~~ Director shall administer the provisions of this Act through the Office.

Note: References to the "Law Enforcement Assistance Administration" and the "Administrator" should be changed throughout the Act to be consistent with this proposed revision and the Justice System Improvement Act of 1979.

7. Section 204(k) should be deleted to be consistent with recommendation #23 which would transfer the administration of the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

 ~~(k)--All-functions-of-the-Administrator-under-this-title-shall-be coordinated-as-appropriate-with-the-functions-of-the-Secretary-of-the Department-of-Health,-Education,-and-Welfare-under-title-III-of-this-Act.~~

 ~~(l)~~(k)(1) The Administrator shall, etc.

8. Section 206(a)(1) should be amended as follows:

 Section 206(a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health(~~,Education-and-Welfare~~) and Human Services, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, (~~the-Commissioner-of the-Office~~) the Secretary of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, the Director of the Office of Management and Budget, a member of the President's Domestic Council, or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, a member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and representatives of such other agencies as the President shall designate.

9. Section 206(a)(2) should be amended to read:

> (2) Any individual representing a Federal agency designated under this section shall be selected from individuals who exercise significant decision-making authority in the Federal agency involved

10. Section 206(d) should be amended as follows:

> (d) The Council shall meet (~~a-minimum-of-four-times-per~~) at least quarterly each year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

11. Section 206(e) should be amended as follows:

> (e) The (~~Associate-Administrator~~) Chairman of the Council (~~may~~) shall. with the approval of the Council, appoint a staff director, an assistant staff director, and such (~~personnel-as~~) additional staff support as (~~he~~) the Chairman considers necessary to carry out the (~~purposes~~) functions, of (~~this-title~~) the Council.

12. Section 207 (c) and (d) should be amended as follows:

> (c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman. Each group of appointments for four year terms shall include at least two appointees who are members of a State Advisory Group established pursuant to section 223(a)(3) of this Act. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.
>
> (d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Members whose terms have expired shall continue to serve on the Committee until such time as their successor is appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Eleven members of the committee shall constitute a quorum. (42 U.S.C.5617)

13. Section 208(d) should be amended as follows:

> (d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections (~~,~~) and the Director of the National Institute of Justice, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

14. Section 222(a) and (b) should be amended as follows:

> Section 222(a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000(~~,~~). ~~except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $56,250.~~
>
> (b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State(~~,~~). ~~the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.~~

15. Section 223(a)(3)(F)(ii) should be amended as follows:

> (ii) (~~may~~) shall advise the Governor and the legislature on matters related to its functions, as requested;

16. Section 223(a)(10) should be further amended as follows:

> (J) programs designed to focus resources on minority and disadvantaged youth;

17. Section 224(a) should be amended as follows:

> (10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; (~~and~~)
>
> (11) develop and implement programs relating to juvenile delinquency and learning disabilities(~~.~~); and
>
> (12) develop and implement programs designed to address the problems of minority and disadvantaged youth.

18. Section 241(c) should be amended to read:

> (c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of (~~Law Enforcement and Criminal~~) Justice in accordance with the requirement of section 201(b).

19. Section 246 should be amended as follows:

Section 246 The Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Associate Administrator after the first year the legislation is enacted, prior to (~~September 30~~), October 31 a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Associate Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5). (42 U.S.C.5656)

20. Section 261(a):

The NAC recommends that the Act be reauthorized for the fiscal years ending September 30, 1981, 1982, 1983, and 1984 respectively and supports an authorized appropriation level of $200,000,000 for the fiscal year ending September 30, 1981.

21. Section 261(b) should be amended as follows:

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, (~~the Administration~~) there shall be maintained from the appropriation for (~~the Law Enforcement Assistance Administration~~) Title I of the Justice System Improvement Act of 1979, each fiscal year, at least (~~19.15~~) 20 percent of the total appropriations (~~for the Administration~~) under that title, for juvenile delinquency programs. (42 U.S.C. 5671)

22. Section 262 should be amended as follows:

(a) The administrative provisions, etc.

(b) No State, as defined in section 103(7), shall be excluded from national research activities funded under this Act unless reasons for such an exclusion are specifically set forth in the research report.

23. Title III - Runaway Youth

The National Advisory Committee recommends that the administration of the Runaway Youth Act be placed within the Office of Juvenile Justice and Delinquency Prevention to be administered as a separate categorical program. The NAC further recommends that program and staff continuity be maintained.

Finally, the Advisory Committee recommends an authorization level of $25,000,000 for the Runaway Youth Act for the fiscal year ending September 30, 1981.

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Deliquency Prevention

Washington, D.C. 20531

MAR 11 1980

The Honorable Birch Bayh
Chairman
Subcommittee on the Constitution
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to provide for the record of the Committee on the Judiciary responses to questions which you submitted for my consideration at the time of the Committee's hearing on my nomination to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

My personal views regarding the matters which you have raised are set forth on the pages enclosed with this letter. For clarity, each question is restated, followed by my response. Your support for my nomination and the assistance continually provided by Mary Jolly, Staff Director and Counsel of the Subcommittee on the Constitution, are greatly appreciated.

I look forward to continuing to work with you to assure that the Juvenile Justice and Delinquency Prevention Act is effectively implemented in the manner that best serves the needs of our Nation's young people.

Sincerely,

Ira M. Schwartz
Administrator

Enclosure

PERSONAL RESPONSES OF IRA M. SCHWARTZ TO QUESTIONS POSED BY SENATOR BIRCH BAYH IN CONNECTION WITH JUDICIARY COMMITTEE HEARING ON NOMINATION TO BE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

1. The Act provides that all LEAA programs concerned with Juvenile Justice shall be administered or subject to the policy direction of the Office of Juvenile Justice. I think it is important to know how you see the relationship between the Juvenile Justice Act and the Justice System Improvement Act, since you have responsibility under both. Do you see a single, integrated approach for administering the provisions pertaining to the criminal justice and delinquency prevention statutes?

The Juvenile Justice and Delinquency Prevention Act and the Justice System Improvement Act differ in both their objectives and the approaches taken to achieve those objectives. I believe that certain aspects of the two statutes can be integrated. State criminal justice councils and local advisory boards can be responsible for administering both programs. Considerable savings can continue to be realized by utilizing management techniques which avoid duplication. While programmatic integration should be limited, I believe that a more integrated approach than has been taken in the past is possible.

Under the prior Crime Control Act, LEAA administered both the JJDP program and maintenance-of-effort funds earmarked for juvenile programs. Section 527 provided, as you are aware, that all LEAA juvenile programs were to be administered or subject to the policy direction of OJJDP. In practice, this did not occur. Not only were former LEAA officials hesitant to give OJJDP policy control over maintenance-of-effort funds, but responsibility for some aspects of the JJDP Act program was not delegated to the OJJDP Administrator. Although this problem was addressed in the legislative history of the Juvenile Justice Amendments of 1977, the Justice System Improvement Act continues conflicting responsibilities in two officials.

Under the Justice System Improvement Act, LEAA, NIJ, and BJS will each have responsibilities to support juvenile justice activities with maintenance-of-effort funds. The old Section 527 has become Section 820, but its terms are further limited. Only LEAA programs are to be administered or subject to the policy direction of OJJDP. For BJS and NIJ, there is only a requirement to "work closely" with OJJDP. In the short time I have been Administrator of OJJDP, I have found the officials in LEAA to be very helpful and cooperative, and believe that many of the prior difficulties will be resolved by mutual agreement. However, conflicting provisions of the two statutes will still be able to be used by persons occupying these positions in the future to restrict the authority of OJJDP and limit the appropriate integration of two programs.

2. One of the important provisions of the Act establishes a maintenance of effort provision at 19% of the LEAA funding to be spent on traditional courts and corrections programs for serious, violent offenders. How do you assess the significance of this section? Do you believe that this

section should mandate that these funds be spent exclusively for serious, violent offenders when we amend the Act next year?

The Justice System Improvement Act, in carrying forward the maintenance-of-effort requirement, states that the funds are to go "for juvenile delinquency programs, with primary emphasis on programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult." I agree with this as consistent with the prior intent for maintenance-of-effort. The language does not say that all maintenance-of-effort funds have to be spent for these purposes or spent exclusively for serious violent offenders.

The maintenance-of-effort provision is highly significant to the overall scheme of the JJDP program, for it assures that juvenile justice funds supplement those under the Justice System Improvement Act. Without the requirement, there would be no guarantee that any LEAA Justice System Improvement Act funds would be spent in the juvenile area. Not only does maintenance-of-effort assure that LEAA funds aren't diverted to other criminal justice purposes, but it means that juvenile justice will remain a national LEAA priority. I do not feel any change as suggested would be appropriate.

3. In light of the fact that violent offenders are a small proportion of our entire population of juvenile offenders, and that violent offenses by our young are declining, do you believe that an adequate proportion of our Juvenile Justice Act funds are being spent on status offenders and getting kids out of jails and our neglected and abused youngsters out of secure facilities?

Data from several studies do indicate that a very small proportion of juvenile offenders accounts for an extremely large volume of serious and violent crime. Identification and effective treatment of this small group present both policy and programmatic difficulties. While serious and violent youth crime must be dealt with, it must be done in such a way that does not include other youths who are not in need of the same degree of attention as the most serious offenders.

A major policy aim of the Juvenile Justice Act has been to keep the less severe offender out of contact with the most serious. The statute gives the Administrator of OJJDP the flexibility to develop special programs designed to test different approaches to dealing with serious offenders. However, it remains clear that a large number of less serious offenders, juveniles charged with offenses that would not be criminal if committed by an adult, and others such as abused and neglected young people, are being dealt with in an inappropriate fashion. The much higher level of resources provided by the Act to address the needs of these youngsters is proper when their relative numbers are considered, as well as the lasting damage which inappropriate treatment can cause. Certainly the fact that many juveniles remain inappropriately placed in facilities indicates that much more needs to be done.

4. There are two very important sections of the Act which would (1) require that within three years of a state submitting its juvenile justice plan that they prohibit the incarceration in secure facilities of status offenders by 75% and 100% in an additional two years and (2) prevent the commingling of adjudicated adults and those awaiting adjudication with juveniles. How do you view these two particular thrusts of the Act? Are these important mandates? Are they marginal? How do you place them in order of priority?

The two provisions, included in Sections 223(a)(12) and 223(a)(13), are central to the JJDP Act. Providing assistance to states and localities in accomplishing the stated objectives is the most essential feature of the legislation. I regard the deinstitutionalization and separation mandates of the highest importance, not at all as "marginal."

It is difficult to place the two provisions in order of priority, since both embody distinct concepts. I believe, however, that deinstitutionalization of non-criminal juveniles is of the greatest importance, particularly because of the implications of this section for the prevention of delinquency. Removing from facilities children who should not be held will mean fewer juveniles who could come in contact with adult offenders in institutions.

5. Since prevention programs is the major theme of the Juvenile Justice Act, what is your view as to what role prevention should play? Is it a significant concern? Is it a backburner concern for dealing with juvenile crime and delinquency in your perspective? Where do you place prevention?

I believe, Senator Bayh, that your statement in the Senate Judiciary Committee Report accompanying the legislation in 1974 best puts the matter into perspective: "In closing, I want to sum up S. 821 in one word, 'prevention.'" The legislative history of the Act clearly conveys the feeling of Congress that there was too much reaction to youthful offenders, instead of prevention of offenses.

The House of Representatives initially rejected the idea of placing the JJDP program in LEAA because LEAA's approach to juvenile delinquency was seen in terms of "crime and punishment" rather than the "preventive aspects" or "the human values of troubled youth." When it was agreed that LEAA could best administer the legislation, LEAA was required to continue spending a specified sum on juvenile programs, but it was expected that the primary OJJDP emphasis would be quite different.

Prevention of delinquency is certainly not a "backburner concern" to me. OJJDP must play a leadership role in preventing delinquency and addressing its underlying causes. We must look for alternative approaches to dealing with juvenile crime, make better use of the services provided by non-governmental organizations, and implement innovative programs that address all the needs of young people.

6. The Juvenile Justice Act provides that all LEAA programs concerned with juvenile justice shall be administered or subject to the policy

direction of the Office of Juvenile Justice. At present, however, the Administrator of the Office does not have the sign-off authority for Special Emphasis programs. What will you do to encourage the LEAA Administrator to give you sign-off on these Special Emphasis programs? Do you believe that the Act should be amended to mandate your role in this regard?

In my response to your first question, I addressed the historical difficulty there has been in clarifying the responsibilities of LEAA and OJJDP. As noted, the officials in LEAA have been very helpful and cooperative, and I believe that many of the prior difficulties can be resolved by mutual agreement. The situation is complicated by the recent passage of the Justice System Improvement Act and pending reorganizations of OJARS and LEAA. The fact that we are reviewing the organizational placement of OJJDP will also impact on the authority of the Administrator of the Office to approve all grants under the Act. If my views on this issue, as are set forth in the next response, are accepted, then legislative action will necessarily follow.

7. At present the Juvenile Justice Act is under the administration of LEAA. Do you support an effort to amend the Juvenile Justice Act to give the Office of Juvenile Justice independence from LEAA, so that it will become a fourth box under the OJARS plan equal to LEAA, the National Institute of Justice and the Bureau of Justice Statistics?

As I stated at my confirmation hearing, I believe that OJJDP should retain its independence and visibility within the Department of Justice and the Administrator of OJJDP should retain the authority necessary to fully and effectively implement the Act. We are now reviewing the status of the Office and the impact of the Justice System Improvement Act on the program. I have personally concluded that OJJDP should be made independent within the OJARS structure so that it can continue to adequately carry out its responsibilities. This decision is based on several considerations.

The Justice System Improvement Act has substantially impacted upon OJJDP. The Office stays within LEAA, but LEAA has significantly changed. Responsibilities have been moved out of LEAA to NIJ, BJS, and OJARS. The relationship and responsibilities of OJJDP are not made clear, and in fact, some of the prior role confusion is exacerbated. Thus, I feel that LEAA and OJJDP functions can be most effectively coordinated if OJJDP is separated out.

OJJDP was given visibility and stature with the Department in 1974 to assure that it could effectively work to carry out its overall responsibilities of establishing and coordinating Federal juvenile justice policy. New layers of bureaucracy have been interposed by the Justice System Improvement Act between OJJDP and the Attorney General. Status of the Office is crucial to the integrity of the program, and maintaining visibility will highlight the Administration's support for the program.

Independent status for OJJDP also makes good sense from a management standpoint. Placing the Office with its separate statutory base and headed by a

Presidential appointee within LEAA has inevitably led to conflict. Management and program relationship conflicts have absorbed a considerable amount of time and energy by both agencies. It is logical that the Presidentially-appointed program manager be given full authority for the legislation he was appointed to implement. Separate status for OJJDP will help insure that the head of that Office, with policy responsibility for juvenile justice, has authority to carry out and consequently be held accountable for that policy. Giving the Office control over its own resources will end the confusion between different parts of current law which give overlapping responsibilities to both the LEAA and OJJDP Administrators. The funding process should also benefit from removal. Independent grant and contract authority will expedite fund flow by streamlining the process and eliminating unnecessary paperwork and duplicative reviews.

The goals and objectives of the JJDP and Justice System Improvement Acts are different, with much more of a prevention and service delivery focus in the JJDP Act. Keeping the programs separate will lessen the possibility of trade-offs between proponents of the adult criminal justice system and the juvenile justice system, in terms of both funding and priorities. Independent status recognizes different policy thrusts, different constituencies, and different requirements of the two Acts, yet allows for coordination under the OJARS structure.

My views on separate status of OJJDP were anticipated by Congress when the Juvenile Justice Amendments of 1977 were approved. The Conference Report on that legislation included the following statement:

> "It is the strong intention of the Conferees that the Office of Juvenile Justice and Delinquency Prevention be retained within the Department of Justice. The Conferees note, however, dependent on the outcome of the Law Enforcement Assistance Administration reorganization that the Office of Juvenile Justice and Delinquency Prevention may be established as a separate entity reporting to the Attorney General."

8. It is contemplated that a reauthorization of the Juvenile Justice Act will be for four years at a minimum authorization of $200 million for each of the four years. Do you support an off-year funding program for the Juvenile Justice Act from the LEAA program? Do you believe that the program should be authorized at $200 million or should more money be provided? Would you support an increased appropriation for the Act over the $100 million which has been provided for Fiscal Years 1978, 1979 and 1980?

I favor continued off-year authorization for the JJDP Act. There are several persuasive arguments against coincidental authorization periods for OJJDP and LEAA. First, simultaneous reauthorization would tend to blur the distinct images of the two programs and, in the eyes of those closely associated with juvenile justice issues, diminish the stature and identity of the OJJDP program, which was purposely made separate within LEAA. Secondly, there is a need for a separate and focused period of review in Congress, the Justice Department, and elsewhere within the Administration. There would be three Congressional committees and four subcommittees to deal with at once. Jurisdictional issues which would confront the committees would likely spill over to generate adverse attitudes toward both LEAA and OJJDP. Third, keeping the Acts discreet would lessen the possibility of trade-offs and competition between proponents of adult criminal justice system funding emphasis and the juvenile justice system. Finally, the public constituent groups for the Justice System Improvement Act and JJDP Act are distinct, although there is some overlap. The legislative development process would require consultation with different groups on different issues at the same time, promoting confusion.

The authorization for the JJDP Act has always been greater than the amount actually appropriated. Given the current $100 million level of funding, I believe that the $200 million authorization provides flexibility for reasonable growth. This is the third year for which OJJDP funding has been $100 million and certainly the impact of funds has been reduced by inflation. While additional funds could always be used, the actual appropriation request must take into account budget realities and the need to limit the uncontrolled growth of Federal spending. Having only recently started at OJJDP, I plan to work to assure that future requests for funds are realistic.

9. I understand that there is an OJARS/LEAA reorganization plan being circulated within the Department of Justice. Please provide for the Committee an analysis and description of its impact on the Juvenile Justice Office and its responsibilities, including the maintenance of effort provision.

The original recommendations of the OJARS Transition Task Force released on November 30, 1979, were of concern to me. I understand that the Committee received a copy of the Task Force Report, so I will not summarize the recommendations in detail. My essential problem with the Report regarded the role of OJARS. I felt that the Task Force misconstrued the nature and extent of the responsibilities of OJARS intended by Congress. OJARS was centralized and the proposed organization was top-heavy. It was given a directive role which would have resulted in domination of LEAA, NIJ, and BJS rather than management. The OJJDP relationship with OJARS, LEAA, NIJ, and BJS is in part dictated by the Justice System Improvement Act, but would necessarily be affected by any reorganization proposal. I was worried that the Task Force recommendations opened the appearance of downgrading the status of OJJDP.

On February 12, 1980, a revised reorganization plan was proposed which directly pertains only to OJARS, although other offices would be impacted by the results. The role of OJARS and number of personnel were reduced from the original recommendations. Activities were decentralized substantially. The release of the revised proposal was a positive step and suggests a structure more in line with my reading of the legislation. Two of the stated purposes of the plan are to guarantee the independence and integrity of the OJARS components and provide the resources necessary to effectively perform their functions. This should benefit OJJDP, although it is important to point out that LEAA, as an independent agency, will have its own reorganization plan. A particularly positive aspect of the OJARS proposal is the recognition of the chronic understaffing of OJJDP and a recommendation for 50 new staff.

10. How much staff assistance are you going to have help you carry out your job at the Office? Are you going to have a choice in selecting the Deputy Administrator? Will the person be of your choice?

There are currently 51 full-time positions assigned to OJJDP. Forty-six of these positions are filled, however, some of these are filled with temporary and part-time employees. Our resources are very strained, with some professional staff members responsible for monitoring as much as $15 million in grants. One person handles matters relating to 11 Western states. That is why I welcome the 50 additional staff members recommended by the February 12, 1980, OJARS reorganization proposal.

In proposing the additional 50 program specialists for OJJDP, the reorganization plan noted the chronic understaffing which the Office has experienced since its establishment. This situation has led to numerous problems "including an inability to effectively coordinate Federal efforts, fund flow problems, an insufficient number of action programs, insufficient time devoted to long-range program planning, short time for public responses to program plans, inadequate involvement of key interest groups, lack of assistance to the states in achieving compliance, inability to establish a comprehensive training and information clearinghouse program, delay in accomplishing standards implementation, an inability to engage in effective program development work, inadequate monitoring of existing projects, delays in closing out inactive projects, and an inability to publish reports resulting from sponsored projects."

With the additional staff a broader range of program initiatives could be developed and funded, a much larger number of states could be brought into compliance with the Act, more effective coordination of youth programming and more aggressive leadership in the formulation of national youth policy could be accomplished, badly needed training and information support functions could be implemented, and guidance could be given to professionals in the delinquency prevention and treatment field.

As you know, the JJDP Act gives the Administrator of LEAA authority to appoint the Deputy Administrator of OJJDP. The Administrator-designate of LEAA and I have discussed the Deputy appointment at length, and we have agreed that no person will be imposed on me. I will be involved in the selection process. There is no timetable for making the appointment, though having a quality individual in place as soon as practical would be most helpful to me. We will, however, be looking carefully at the reauthorization proposals being developed by Congress to determine if there is a possible impact on the Deputy selection process.

U.S. Department of Justice

Law Enforcement Assistance Administration

Office of the Administrator

Washington, D.C. 20531

20 MAR 1980

The Honorable Birch Bayh
United States Senator
Washington, D.C.

Dear Senator Bayh:

At my confirmation hearing, the Chairman of the hearing, Senator Cochran, asked me to respond in writing to a number of questions that you had submitted.

Senator Cochran urged me to respond as expeditiously as possible in order that the full Judiciary Committee could consider my nomination at the next meeting on Tuesday, March 25. Accordingly, I have prepared the attached answers to your questions.

If you need clarification of my answers or if you have further questions, I will be available to meet or talk with you at your convenience at any time between now and the meeting of the Judiciary Committee scheduled for Tuesday.

Sincerely,

Homer F. Broome Jr.

Homer F. Broome, Jr.
Acting Administrator

Attachment

SENATOR BIRCH BAYH'S QUESTIONS FOR HOMER BROOME

Question 1

Mr. Broome, has your reorganization report to the Attorney General for LEAA been approved yet by the Attorney General or OMB? If so, could you please elaborate on this plan for the Committee. If not, could you please explain, from your viewpoint why? If approved, please supply a copy to the Committee.

Answer

My reorganization report has not been submitted to the Attorney General. It is completed and will be submitted on Tuesday, March 25, 1980, for approval consistent with Department of Justice Order 1000.2. The Department of Justice Authorization Act also requires any reorganization report be submitted to Congress for consideration by the House and Senate Judiciary Committees before implementation by the Department of Justice. A copy of the plan will be submitted to the Committee when approved as required by the Department of Justice Authorization Act.

Question 2

I understand that the Attorney General has suggested to the White House and OMB that LEAA be either (1) fully funded or (2) be reduced in funding by at least $200 million immediately. Please comment on this proposal. Also, I understand that at least 151 staff positions must be reduced by September 30, 1980. Is this plan in the works now? If so, please elaborate. If not, what plan is currently in the works?

Answer

I understand that the Attorney General has made a number of recommendations to the White House and to OMB in response to specific budgetary guidance given by the OMB for reductions in the FY 81 Departmental budget. Any reductions will affect vital programs but the President must make the final decision based on his analysis of national priorities.

I have received no information concerning reductions in staffing levels. It is my understanding that a final decision will be made by the President based on an analysis of the Department's recommendations and examination of national priorities after consultation with the Na[illegible]on's governors, mayors, county executives, and key congressional leaders.

[illegible]

If the White House and OMB do chose the plan that effectively eliminates LEAA/BJS, do you have an option plan that would phase-out these divisions over the next four years? If so, please provide the Committee with this option plan.

Answer

We are awaiting the President's final decision on the funding level for FY 81 before considering any options with respect to the future of LEAA and BJS.

Question 4

When do you believe the White House and OMB will make its decision regarding LEAA/BJS? If you do not have an exact date, could you please give us an estimated date?

Answer

On March 14 the White House announced that the President would make his final decision by March 31, 1980.

Question 5

As Acting Administrator of LEAA/BJS, if you are confirmed will you delegate members of your staff to BJS and the Office of Juvenile Justice and Delinquency Prevention so that they would be under the control of the Administrators of those Offices to handle congressional relations, comptroller functions, grant and contract review functions and legal functions?

Answer

Under the current organizational structure, the congressional relations, comptroller functions, grant and contract review functions as well as legal functions are under the administration of the Director of OJARS. Mr. Dogin on February 12, proposed a reorganization in which some congressional relations, some comptroller functions and all grant and contract review functions would be transferred to LEAA. That proposal is now under consideration by the Justice Management Division and the Attorney General. It is my understanding that a copy of that proposal is being submitted by Mr. Dogin as part of his response to your questions.

Until that reorganization is finally approved by the Department and OMB, I can make no judgments as to which of these four functions could be transferred to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). However, I should tell you that the Attorney General has determined that no legal functions should be decentralized below the OJARS level.

Question 6

For six years under the Juvenile Justice Act the Administrator of LEAA has had the authority to delegate all final authority to the Administrator of the Juvenile Justice Office. To date this has not been done. Would you, if confirmed as LEAA Administrator delegate all the juvenile justice functions to the Administrator of the Office of Juvenile Justice and Delinquency Prevention? If not, why not? If so, please elaborate on your opinion and future plans.

Answer

I have asked Ira Schwartz, Administrator of the OJJDP, to make recommendations to me for an appropriate delegation of functions to the OJJDP. Mr. Schwartz is in the process of preparing this delegation. As you know, Congressman Andrews has suggested a major restructuring of the OJJDP. The final decision by the Congress on the Juvenile Justice authorization is likely to have an impact on the ultimate question of delegation. It is difficult for me to commit myself to any set plans until the picture on both the legislation and the budget is clarified.

I am very sensitive to the need for the OJJDP to have the full support of LEAA, OJARS, and the Department of Justice in carrying out its critical functions and as Administrator of LEAA, I will make every effort to provide the critical support necessary to OJJDP.

U.S. Department of Justice

Office of Justice Assistance, Research,
and Statistics

Office of the Director

Washington, D.C. 20531

20 MAR 1980

The Honorable Birch Bayh
United States Senator
Washington, D.C.

Dear Senator Bayh:

Yesterday, at my confirmation hearing, the Chairman of the hearing, Senator Cochran, asked me to respond in writing to questions that you had submitted.

I am pleased to have this opportunity to address your concerns. Senator Cochran asked that I respond as expeditiously as possible in order for the full Judiciary Committee to consider my nomination at its next meeting on Tuesday, March 25. Accordingly, I have prepared the attached answers to your questions.

If you have any further questions or if you need clarification of my answers, I will be available to meet or talk with you at your convenience at any time between now and the meeting of the Judiciary Committee scheduled for Tuesday.

Sincerely,

Henry S. Dogin

Henry S. Dogin
Acting Director

Attachments

SENATOR BIRCH BAYH'S QUESTIONS FOR HENRY DOGIN

Question 1

Mr. Dogin, has your reorganization report to the Attorney General for OJARS been approved yet? By the Attorney General or by OMB?

When did you submit your OJARS reorganization plan to the Attorney General? Why hasn't it been approved? OR if it has can you please supply the Committee with a copy of the OJARS approved plan?

Answer

The reorganization report for OJARS, a copy of which is attached, is under review by the Justice Department. It has not been approved by the Attorney General or the Office of Management and Budget. Under Department of Justice Order 1000.2, all proposals for major reorganization must be submitted to the Assistant Attorney General for Administration for review by his office prior to a decision being made either by the Deputy Attorney General or the Associate Attorney General depending upon their respective areas of responsibility.

Under that same order, at any time the Attorney General can also request to specifically review a major reorganization proposal. Mr. Civiletti has shown an active interest in the implementation of this major piece of legislation and therefore we have forwarded copies of the reorganization plan to the Assistant Attorney General for Administration and the Attorney General. The plan has not been approved because the Department has not had sufficient time to complete its analysis of the plan.

Question 2

I understand that the Attorney General has suggested to the White House and OMB that the OJARS/LEAA/NIJ/BJS be (1) either fully funded or (2) be reduced in funding by at least $200 million immediately. Please comment on this proposal.

Also, I understand that at least 151 staff positions must be reduced by September 30, 1980. Is this plan in the works now? If so, please elaborate. If not, what plan is currently in the works?

Answer

I responded to this at the hearing. The Attorney General has made a number of recommendations to the White House and to OMB in response to specific budgetary guidance given by the OMB for reductions in the FY 81 Departmental budget. As I stated on the record, I fully support the President's efforts to make the necessary adjustments in the LEAA budget. Any reductions will affect vital programs but the President must make the final decision based on his analysis of national priorities.

I have received no information concerning reductions in staffing levels. I would also note that numerous proposals for funding levels for LEAA have been discussed by the Department of Justice with the OMB. The final decision will be made by the President on an analysis of the Department's recommendations and examination of national priorities after consultation with the Nation's governors, mayors, county executives, and key congressional leaders.

Question 3

If the White House and OMB do chose the plan that effectively eliminates OJARS/LEAA/NIJ/BJS, do you have an option plan that would phase-out these divisions over the next four years? If so, please provide the Committee with this option plan.

Answer

We are awaiting the President's final decision on the funding level for FY 81 before considering any options with respect to the future of OJARS/LEAA/NIJ/BJS.

Question 4

When do you believe the White House and OMB will make its decision regarding OJARS/LEAA/NIJ/BJS? If you do not have an exact date, could you please give us an estimated date?

Answer

On March 14 the White House announced that the President would make his final decision by March 31, 1980.

Question 5

As Acting Director of OJARS, if you are confirmed will you delegate members of your staff to LEAA/NIJ/BJS and the Office of Juvenile Justice so that they would be under the control of the Administrators of those offices to handle congressional relations, comptroller functions, grant and contract review functions and legal functions?

Answer

Under the Justice System Improvement Act, the various administrative support services conducted by LEAA are in the OJARS. On February 12, I proposed a major reorganization of OJARS. A copy of that proposal has been given to the Attorney General and a copy is attached. Under that proposal significant congressional relation functions, comptroller functions, and all grant and contract review functions would be transferred together with the personnel performing those functions to the BJS/LEAA/NIJ. The Attorney General expressly refused any effort to decentralize legal functions below the OJARS level. My proposal is now under review by the Justice Management Division and is subject to the final approval of the Department of Justice, OMB and the Office of Personnel Management.

Under my proposal, the Administrator of LEAA would have the final authority over the use of those personal and delegation of functions to the division and units within LEAA including the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In my report I did recommend that OMB provide 50 new positions for the OJJDP. If approved, this request would double the staffing level within OJJDP. I feel adequate staffing of the OJJDP is critical.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS REORGANIZATION PROPOSAL

BRIEFING SUMMARY

February 12, 1980

OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS REORGANIZATION

In December of 1979, the Transition Task Force issued a report recommending reorganization of functions previously performed by the Law Enforcement Assistance Administration in order to implement the Justice System Improvement Act. After careful consideration of the report, I have decided to make substantial modifications in the direction and scope of the recommendations.

The Task Force report was distributed to all offices in the National Institute of Justice, the Bureau of Justice Statistics, LEAA and the Office of Justice Assistance, Research and Statistics. It was also distributed to AFSCME Local 2830, public interest groups, the Department of Justice, the Office of Management and Budget, the National Institute of Law Enforcement and Criminal Justice Advisory Board, and other interested parties for review and comment.

Forty-seven (47) written comments were received. Most commentators objected to the recommendations in the report. A number of particularly compelling comments were directed to the strong role and large size of the Office of Justice Assistance, Research and Statistics which was recommended in the report. Other comments were directed to the recommendation to close area audit offices. Some commentators were concerned about the assignment of the Equal Employment Opportunity office to the proposed Office of Financial and Administrative Services, and still others were also concerned about the consolidation of the Office of Public Information and the Office of Congressional Liaison.

The Task Force was commissioned to make frank recommendations. They did an excellent job under very difficult time constraints. I take responsibility for the issuance of their report. However, the recommendations propose a structure which I feel cannot be supported in view of the changes made by the Congress in the President's original proposal to establish an Office of Justice Assistance, Research and Statistics.

Although the report can be read as consistent with the legislation, the Task Force's recommendations could allow the Office of Justice Assistance, Research and Statistics to act as an umbrella agency, exercising policy direction and control over the National Institute of Justice, the Bureau of Justice Statistics, and LEAA. This is clearly not what Congress intended.

After reviewing the comments and considering the legislation and its supporting history, I have determined that a new approach needs to be taken. This report outlines the proposed approach that I will recommend to the Attorney General.

Upon receiving the Attorney General's approval and after any necessary changes, the proposal will be forwarded to OMB for review in light of the existing resources and statutory mandates of LEAA, NIJ, BJS and OJARS. The proposal will also be sent to the Congress for comment.

In taking the new approach, I followed four basic principles:

1. The statute requires that the independence and integrity of the research, statistical and financial assistance functions must be guaranteed in the new organizational configuration.

2. LEAA, NIJ, and BJS must have the resources necessary to award, administer, and review grants and contracts and to appoint personnel as specified in the Justice System Improvement Act.

3. OJARS will coordinate the activities of the other units, develop national priority programs with LEAA and provide limited staff support for those services which, if replicated in each unit, would cause duplication and inefficiency.

4. OJARS coordinative role will provide for resolving inconsistencies among the policies and programs of the NIJ, BJS, and LEAA and insuring that all three units work together effectively where their functions overlap.

Henry S. Dogin

Henry S. Dogin, Acting Director
Office of Justice Assistance,
Research and Statistics

HIGHLIGHTS OF THE PROPOSED REORGANIZATIONS

The Justice System Improvement Act of 1979 (JSIA) creates four organizational units: the Law Enforcement Assistance Administration (LEAA); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); and the Office of Justice Assistance, Research and Statistics (OJARS). The JSIA details the specific functions which are assigned to each organizational unit. The functions of LEAA include state and local financial and technical assistance, juvenile justice activities, community anti-crime programs, and education and training efforts. NIJ's functions encompass research, evaluation, and program development responsibilities. The new BJS consolidates statistical functions. OJARS has the main responsibility for coordinating the activities of and providing direct staff support to the other three units. Coordination in this context means resolving differences between them and ensuring that all three units work together effectively where their functions overlap.

Office of Justice Assistance, Research and Statistics

The most significant departure from the former organizational configuration of the LEAA occurs with the creation of the new Office of Justice Assistance, Research and Statistics (OJARS). Under the JSIA this new office is authorized to directly provide staff support to and coordinate the activities of the National Institute of Justice, the Bureau of Justice Statistics and the Law Enforcement Assistance Administration. The new OJARS represents, therefore, a restructuring of and a significantly reduced replacement for the former staff offices of the LEAA. Under the reorganization proposal, staff at the OJARS level are cut in half (when compared to the January 1980 personnel strength for similar services provided by the staff offices of the former LEAA) and major staff functions in the areas of audit, program review, personnel, general counsel, public information, grant and contract administration, planning and congressional relations are decentralized to the new NIJ, BJS and LEAA.

Every former LEAA staff office except the OGC, the OCRC, and the OEEO experiences a reduction in staff and a decentralization of functions. In undertaking this decentralization one long range goal was always kept in mind, the creation of three independent bureaus which were essentially self-contained, yet coordinated. Working with the low personnel ceilings imposed upon the former LEAA, every effort was made to achieve this goal. The extent of the decentralization for each office is determined by: (1) the criticality of the function for self-contained operation at the NIJ, BJS and LEAA levels; (2) the availability of resources at the NIJ, BJS and LEAA levels among existing personnel on board at the time of reorganization to perform such functions; (3) the practicality of transferring existing personnel from former LEAA staff offices to the NIJ, BJS and the new LEAA to perform those functions for the new units, in other words, "Does the present staffing of those functions allow for a three-way division of the function while still giving each unit sufficient qualified personnel to adequately perform the function?"; and (4) the difficulty of OJARS exercising a coordination role if the function were decentralized.

Furthermore, it is proposed that the program review and audit activities previously performed by the Office of Audit and Investigation (OAI) for the entire LEAA program be decentralized to each of the three units under the new organizational configuration. This means that LEAA, NIJ and BJS will each have their own audit and program review staffs. Since the great majority of grant activity will be a function of the new LEAA, and since the great majority of auditors and program reviewers in the field will be providing services to LEAA, it is proposed that the present area office field structure be retained and be converted into LEAA area offices performing audit and program review activities for that organizational unit.

Exhibit I depicts the proposed organizational structure and functions for OJARS. The major reorganization actions and relevant transfers of personnel which must be undertaken in order to implement the proposed reorganization are summarized in the next section of this report entitled, Major Personnel Shifts.

Law Enforcement Assistance Administration

The JSIA reauthorizes the Law Enforcement Assistance Administration (LEAA) and provides for significant changes in its function and scope in order to streamline and improve the Federal program of financial and technical assistance. Chief among these changes are:

- a simplified formula grant program that cuts red tape, increases the role of local governments, and targets monies to effective programs
- a new national priority grant program to encourage the adoption of programs that have been shown to be effective through research and development
- a greatly strengthened mandate to review, assess, and report on program performance
- a renewed emphasis on community and citizen participation

LEAA's principal role is to manage efficiently the following programs within the JSIA:

- Criminal justice formula grants (Part D)
- National priority and discretionary grants (Parts E and F, respectively)
- Training and manpower development (Part C)
- Community Anti-Crime programs (Part A)
- Juvenile justice programs (Juvenile Justice and Delinquency Prevention Act of 1974, as amended)
- Public Safety Officers' Benefits (Part L)
- Technical assistance (Part A)

In view of Departmental and Presidential priorities placing a heavy emphasis on juvenile justice and community anti-crime, staff devoted to both of these programmatic areas should be significantly increased when LEAA is reorganized. OJARS will assist in identifying alternatives for remedying the chronic understaffing in these areas.

National Institute of Justice

The National Institute of Justice (NIJ) is authorized to carry out basic research, applied research, demonstration and dissemination activities in order to advance knowledge about crime and delinquency and to improve and strengthen law enforcement and the criminal and juvenile justice systems. In addition to research and development, NIJ carries out the following related functions that fulfill legislatively assigned objectives:

- Evaluation of criminal justice programs;
- Identification of programs and projects of proven effectiveness;
- Design and field testing of model programs based on promising research findings and advanced criminal justice practices;
- Training workshops for criminal justice practitioners in research and evaluation findings, and efforts to assist the research community through fellowships and special seminars; and
- Operation of an international clearinghouse for criminal justice information--the National Criminal Justice Reference Service.

The NIJ will be headed by a Director appointed by the President and will have a Presidentially-appointed advisory board which, together with its expanded authority over grants and contracts, guarantees the integrity and continuity of the research effort.

The organizational structure of the former National Institute of Law Enforcement and Criminal Justice (NILECJ) will remain intact until such time as the new Director of the NIJ is appointed. In order to guarantee the independence of the research function as well as to make the new NIJ a basically self-contained organizational unit, significant staff functions previously performed by LEAA staff offices for the NILECJ will now be decentralized to the NIJ. To accomplish this there will be created within the NIJ specific staff support units which will perform the following services for the NIJ: planning; budget preparation; management; grants/contracts financial review; grants/contracts administration; personnel management; administrative support; audit and program review; advisory board support; congressional relations; and public information.

Bureau of Justice Statistics

The Bureau of Justice Statistics (BJS) is authorized by the JSIA to carry out the following functions:

- Compile, collate, analyze, publish and disseminate national statistics about all aspects of crime, civil and criminal justice, civil disputes, and criminal offenders.
- Assure the quality of the justice statistical components of all federal justice information systems and, through (the) state(s) statistics bureaus, of all state information systems.
- Establish national definitions and standards for justice statistics.
- Support state and local governments in the development of justice statistical information systems.
- Develop and maintain compatible components in state and federal offender-based transaction systems in order that useful national data may be produced.

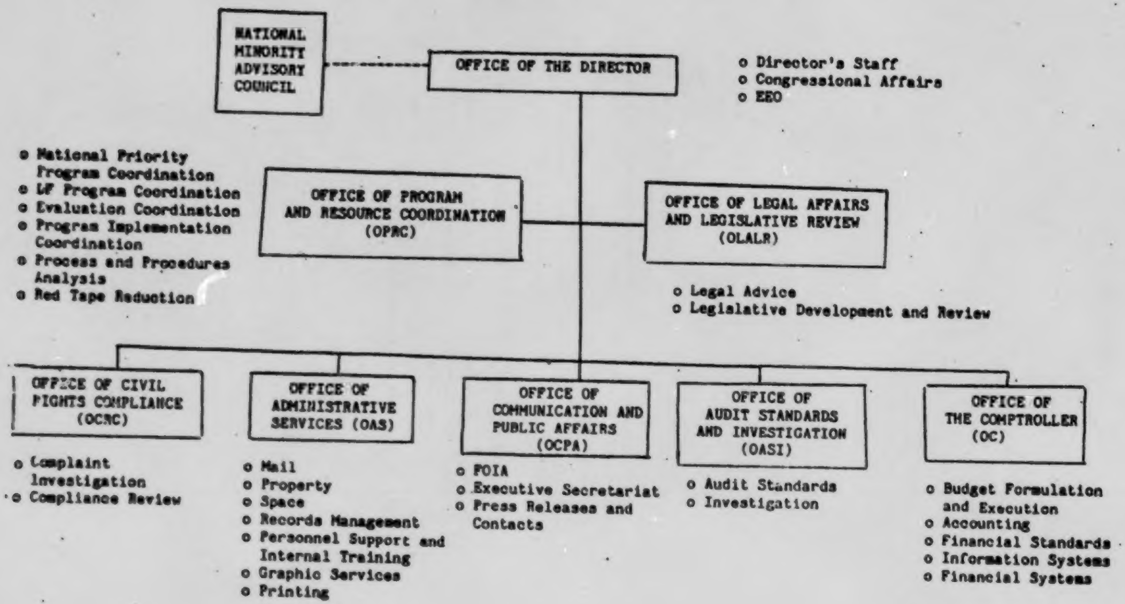
The BJS is therefore mandated certain functions directly transferable from the former NCJISS, but it is also assigned responsibility and authority for new activities related to federal-level justice statistics management. Initially the BJS will be established by transferring the two broad functions of NCJISS into the BJS. The Statistics Division of NCJISS as well as the Systems Development Division will be transferred intact into the BJS. Certain systems programs and management responsibility for this program area are slated for transfer to LEAA in FY 81 and it is recommended that planning for this occur during FY 80 and that the formal transfer of the function be accomplished by an amendment to the FY 81 Budget. The final organizational configuration of the BJS must await appointment of the BJS Director.

In order to guarantee the independence and integrity of the statistical function, several significant staff functions previously performed by centralized LEAA staff offices for the former NCJISS will now be decentralized to the BJS. Specifically, it is proposed that there be created new staffs which will perform the following functions for the BJS: planning; management; budget preparation; grants/contracts financial review; grants/contracts administration; personnel management; administrative support; audit and program review; support to the BJS Advisory Board; congressional relations; and public information.

PROPOSED

Exhibit I

OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS (OJARS)


NATIONAL MINORITY ADVISORY COUNCIL
OFFICE OF THE DIRECTOR
o Director's Staff
o Congressional Affairs
o EEO
o National Priority Program Coordination
o LF Program Coordination
o Evaluation Coordination
o Program Implementation Coordination
o Process and Procedures Analysis
o Red Tape Reduction
OFFICE OF PROGRAM AND RESOURCE COORDINATION (OPRC)
OFFICE OF LEGAL AFFAIRS AND LEGISLATIVE REVIEW (OLALR)
o Legal Advice
o Legislative Development and Review
OFFICE OF CIVIL RIGHTS COMPLIANCE (OCRC)
o Complaint Investigation
o Compliance Review
OFFICE OF ADMINISTRATIVE SERVICES (OAS)
o Mail
o Property
o Space
o Records Management
o Personnel Support and Internal Training
o Graphic Services
o Printing
OFFICE OF COMMUNICATION AND PUBLIC AFFAIRS (OCPA)
o FOIA
o Executive Secretariat
o Press Releases and Contacts
OFFICE OF AUDIT STANDARDS AND INVESTIGATION (OASI)
o Audit Standards
o Investigation
OFFICE OF THE COMPTROLLER (OC)
o Budget Formulation and Execution
o Accounting
o Financial Standards
o Information Systems
o Financial Systems

February 12, 1980

PERSONNEL SHIFTS

(All personnel shifts are expressed in permanent full-time positions -- PFTs on board as of 1/12/80)

A. Office of Justice Assistance, Research and Statistics (OJARS)

1. Office of the Director (OD) (5 PFT)

This Office includes the Director and his staff and an Office of Equal Employment Opportunity which is the former LEAA OEEO. The Director's staff will include an Executive Assistant, a Special Assistant for Congressional Affairs, a Secretary, and an Office Aide. The Director and his staff are personnel from the former LEAA Office of the Administrator.

2. Office of Program and Resource Coordination (OPRC) (12 PFT)

Responsibilities of this office will include national priority program coordination, discretionary grant program coordination, coordination of evaluation activities, program implementation coordination, process and procedures analysis and red tape reduction. Employees from the former LEAA Office of Planning and Management (OPM) will be transferred to this unit. A mid-level program analysis officer is transferred from OPM to the BJS to supplement the program planning expertise existent in that organization and to raise it to the existing levels of the planning staffs which are in LEAA and the National Institute of Justice (NIJ) In addition, the Correspondence Control Desk which existed in OPM will be transferred to the Office of Communications and Public Affairs in OJARS.

3. Office of Legal Affairs and Legislative Review (OLALR) (12 PFT)

The OLALR will be primarily responsible for providing legal advice and developing and reviewing legislation which affects the new organization. The OLALR will provide general counsel to OJARS, BJS, NIJ and LEAA. Personnel from the former LEAA Office of General Counsel will be transferred to the OJARS OLALR.

4. Office of Civil Rights Compliance (OCRC) (17 PFT)

The OCRC is responsible for civil rights complaint investigation and compliance review for all of the bureaus in the organization. The former LEAA Office of Civil Rights Compliance is retained intact with its present staffing level as an identifiable civil rights staff within OJARS. The OCRC has been given authority to hire two additional personnel to address critical staff shortages. Alternate methods for increasing the staff complement will be researched and highly prioritized in order to address the civil rights mandate.

5. Office of Administrative Services (OAS) (31 PFT)

The OAS is responsible for property management, record management, space utilization, mail, personnel, graphics, printing, and internal training. The personnel function is decentralized, in part, to LEAA, BJS, and NIJ. OAS retains the classification and employee services functions for the entire organization. Authority for classification decisions, however, will be vested in the heads of OJARS, LEAA, BJS and NIJ. The NIJ and BJS each receive a person from the former LEAA, OOS to handle day-to-day personnel management issues. Members of the former LEAA, OOS will be transferred to OAS as shown on the support schedule that follows.

6. Office of Communications and Public Affairs (OCPA) (9 PFT)

The primary functions of this office will include press releases, photography support, correspondence control, and Freedom of Information services. The FOIA function will be provided to all four bureaus. LEAA, BJS, and NIJ will be provided with public information specialists from the former LEAA Public Information Office to provide for press releases and press contacts. [LEAA (2 PFT), BJS and NIJ (1 PFT each).] The Correspondence Control Staff from the former LEAA OPM will be transferred into this unit. The former Congressional Liaison Office (CLO) is completely decentralized to the LEAA, BJS and NIJ, providing each unit with staff to perform congressional liaison activities for each unit. Congressional liaison functions for OJARS will be handled by a special assistant within the Office of the Director of OJARS.

7. Office of Audit Standards and Investigation (OASI) (7 PFT)

The OJARS OASI reports to the Director of OJARS and is responsible for internal and external investigations involving OJARS as well as developing and coordinating audit standards among the LEAA, BJS and NIJ audit units and performing audits of OJARS' grantees and contractors. This unit will consist of an Audit Standards Division (2 PFT), an Investigation Division (3 PFT), and an Office of the Director (2 PFT). The major portion of the former OAI is being transferred to the reorganized LEAA. Portions of the former OAI are being transferred into audit staffs and program review staffs for BJS and NIJ. Area offices will basically remain intact under LEAA. (Certain individual personnel transfers will be necessary to staff segments of the new units in OJARS, BJS and NIJ which will be centrally located in Washington, D.C. (Major shifts are presented in support schedules that follow.)

8. Office of the Comptroller (OC) (56 PFT)

The OC is responsible for providing centralized budget formulation and execution, accounting services, information systems, small purchases and financial standards for each entity within the new organization. It will also provide grant and contract administration for OJARS. The OJARS OC staff will be derived from the former Office of the Comptroller in LEAA. Former Comptroller personnel will also be transferred to LEAA, BJS, and NIJ to provide these entities with grant and contract making and control capabilities. (See support schedule for a summary of the major shifts.)

Personnel

TOTAL OJARS -- 152 PFT

B. Law Enforcement Assistance Administration (LEAA)

The LEAA will include the current staffs of the Deputy Administrator, OCJP, OCACP OJJDP and OCJET. Personnel to be transferred in will come from the former OAI, OC, OOS, CLO, and PIO. The LEEP function and personnel are scheduled to be transferred to the Department of Education in April 1980. The LEAA will be reorganized subsequent to this proposed reorganization of OJARS.

PFT from DAA, OCJP, OCACP, OJJDP, OCJET	180
PFT from former LEAA staff offices	119
Total PFT	299

C. Bureau of Justice Statistics (BJS)

The BJS will include the current staff of the LEAA NCJISS and support personnel from the former LEAA OPM, OAI, OC, OOS, CLO and PIO. A reorganization of the BJS will occur subsequent to the selection of a Presidential appointee.

PFT from NCJISS	26
PFT from former LEAA Staff Offices	15
Total PFT	41

D. National Institute of Justice (NIJ)

The NIJ will be comprised of the current staff of NILECJ and support personnel from the former LEAA staff offices of OAI, OC, OOS, OGC, CLO, and PIO. Restructuring of the office will take place subsequent to the selection of a Presidential appointee.

PFT from NILECJ	65
PFT from LEAA Staff Offices	23
Total PFT	88

Office of Justice Assistance, Research & Statistics	PFT
Office of the Director	8
Office of Program and Resource Coordination	12
Office of Legal Affairs and Legislative Review	12
Office of Civil Rights Compliance	17
Office of Audit Standards and Investigation	7
Office of the Comptroller	56
Office of Communications and Public Affairs	9
Office of Administrative Services	31
	152
Law Enforcement Assistance Administration	299
Bureau of Justice Statistics	41
National Institute of Justice	88
TOTAL	580

(PFT numbers will change based on attrition; however, the principles of the reorganization will remain the same.)

SCHEDULE OF
MAJOR PERSONNEL SHIFTS

I. Former LEAA Office of Administrator

		PFT Distribution	
PFT	Position	OJARS, OD	LEAA, OA
1	Administrator	1	
1	Deputy Administrator for Policy Development		1
2	Secretaries	1	1
4	Special Assistants	2	2
1	Office Aide	1	
9		5	4

II. Former LEAA Office of Planning and Management

		PFT Distribution		
		OJARS		
PFT	Position/Unit	OPRC	OCPA	BJS
3	Office of Assistant Administrator	3		
3	Correspondence Control		3	
5	Policy Planning Division	4		1
5	Management Division	5		
16		12	3	1

III. Former LEAA Public Information Office

		PFT Distribution			
PFT	Position	OJARS	LEAA	BJS	NIJ
6	Public Information Officer/ Specialist	3	1	1	1
1	Staff Assistant	1			
2	Clerk Typists	1	1		
9		5	2	1	1

IV. Former LEAA Congressional Liaison Office

		PFT Distribution		
PFT	Position	LEAA	BJS	NIJ
5	Congressional Liaison/Officer/Analyst/Spec.	3	1	1
2	Clerk Typist	2		
7		5	1	1

V. Former LEAA Office of Audit and Investigation

PFT	Unit	PFT Distribution OJARS	LEAA	BJS	NIJ
9	Office of Assistant Administrator and Management Review & Analysis Division	4	5		
1	Investigation	1			
5	Central Audit Operations Division				5
79	Area Offices	2	67	6	4
94		7	72	6	9

VI. Former LEAA Office of the Comptroller

PFT	Unit	PFT Distribution OJARS, OC	LEAA, PSS	BJS, PSS	NIJ, PS
5	Office of the Comptroller	5			
5	Policy Development and Training Division	5			
16	Information Systems Division	15	1 (LEEP)		
5	Budget	5			
5	Public Safety Officers Benefits		5		
28	Accounting	18	10 (LEEP)		
	Grants/Contracts Management Division:				
8	Contracts		4	1	3
3	Control Desk	3			
26	Area Desks and Staff	5	15	3	3
101		56	35	4	6

VII. Former LEAA Office of Operations Support

PFT	Unit	PFT Distribution OJARS	LEAA	BJS	NIJ
3	Office of Assistant Administrator	3			
2	Records Management Staff	2			
16	Administrative Services Division	16			
17	Personnel and Training	7	5	1	4
7	Audio Visual Communications Division	4*		1	2
45		32	5	2	6

*One (1) to OCPA.

Reassignment of Employees

The proposed organizational structure has been reviewed by the OJARS Personnel Office. Position descriptions have been reviewed, and it is anticipated that with a very few exceptions the reorganization can be accomplished by voluntary transfer or by reassignment of employees from one position to another.

The reorganization will not cause anyone to be involuntarily separated or reduced in grade. In the very few instances where a reassignment cannot accomplish the transfer, discussions will be held with the individual employee affected and with the Union if the employee is a member of the bargaining unit in an effort to assure an appropriate placement to at least the same grade as the employee currently holds.

ADDITIONAL PERSONNEL REQUIRED FOR IMPLEMENTATION

In order to decentralize former LEAA staff offices to the extent contained in this reorganization proposal, to transfer the functions performed by these offices to each of the three new units as detailed in this proposal, and to adequately staff the transferred functions, additional permanent full-time positions (PFT's) will be needed by NIJ, BJS and LEAA. Due to the low personnel ceilings assigned to LEAA in FY 79 and 80 and the high attrition rate experienced during these years, certain functions centralized in LEAA staff offices are staffed at low levels. If they were decentralized and present personnel were distributed among all four units, no one of the units would have sufficient personnel or sufficient areas of specialty to adequately perform the decentralized functions. Therefore, additional positions will be needed in order to operate in a decentralized mode.

It is estimated that an additional 84 positions will be necessary in order to adequately perform the functions which will be decentralized as well as to remedy the chronic understaffing problem in Juvenile Justice. The total 84 positions that should be requested would breakdown as follows.

Organization	Additional PFT's Required
(1) LEAA	16
(2) BJS	12
(3) NIJ	6
(4) OJJDP	50
TOTAL	84

No additional positions would be required for OJARS. The 34 additional positions for LEAA, BJS and NIJ would be needed specifically to further implement the new functions decentralized to these organizations. The 50 positions required for OJJDP would be all programmatic personnel in order to relieve the chronic understaffing in this area. However, this number could be reduced if LEAA, as part of its reorganization, were to transfer existing resources into OJJDP in an effort to address the critical staff shortages. An explanation of each of these requirements is presented below.

33 Additional Required Positions for LEAA, NIJ and BJS

As pointed out above, if the present personnel, budget and contract functions are decentralized to LEAA, NIJ and BJS, additional specialists in these areas will be needed in order to adequately staff these functions at the agency level. Additional positions will also be needed in order to adjust the total personnel mix in each of these three organizations so as to obtain a reasonable professional to clerical ratio. A reasonable estimate as to how the additional positions required would break down is presented below.

LEAA Additional Positions

Type of Position	# PFT's
o Budget Analysts (LEAA, OJJDP)	2
o Personnel Management Specialists (LEAA, OJJDP)	2
o Program Analysts (LEAA, OJJDP)	4
o Management Analysts (LEAA, OJJDP)	4
o EEO Specialist	1
o Clerical	3
LEAA Subtotal	16

BJS Additional Positions

Type of Position	# PFT's
o Budget Analyst	1
o Personnel Management Specialist	1
o Social Science Analysts	7
o Clerical	2
o EEO Specialist	1
BJS Subtotal	12

NIJ Additional Positions

Type of Position	# PFT's
o Budget Analyst	1
o Personnel Management Specialist	1
o Contract Specialist	1
o Clerical	2
o EEO Specialist	1
NIJ Subtotal	6

50 Additional Juvenile Justice Program Specialists Required for the Office of Juvenile Justice and Delinquency Prevention

Since its establishment, OJJDP has experienced chronic understaffing, which has created numerous problems including an inability to effectively coordinate Federal efforts, fund flow problems, an insufficient number of action programs, insufficient time devoted to long-range program planning, short time frames for public responses to program plans, inadequate involvement of key interest groups, lack of assistance to the states in achieving compliance, inability to establish a comprehensive training and information clearinghouse program, delay in accomplishing standards implementation, an inability to engage in effective program development work, inadequate monitoring of existing projects, delays in closing out inactive projects, and an inability to publish reports resulting from sponsored projects. These problems have been further intensified by the recent increase in the juvenile justice program funding level in FY 80, a funding level proposed to continued into FY 81.

With 50 additional staff a broader range of program initiatives could be developed and funded, a much larger number of states could be brought into compliance with the Act, more effective coordination of youth programming and more aggressive leadership in the formulation of national youth policy could be accomplished, badly needed training and information support functions could be implemented which would improve delinquency-related programming, and guidance could be given to the field in delinquency prevention and treatment--resulting in a general improvement in the administration of juvenile justice.

In general, the additional requested staff would enable OJJDP to take advantage of the opportunity noted by Attorney General Civiletti: "This is a time of special opportunity which we must seize in the face of an ever-expanding need for attention to juvenile justice problems."

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Deliquency Prevention

Washington, D.C. 20531

MAR 3 1 1980

Mr. William Raspberry
The Washington Post
1150 15th Street, NW
Washington, DC 20071

Dear Mr. Raspberry:

I read with great interest your column entitled "White Crime/Black Crime" which appeared in the March 31, 1980 issue of the Washington Post. While I certainly appreciate your interest in juvenile justice issues, I would, however, like to point out that I believe the comments attributed to me were not precisely accurate. The inaccuracies, I feel, were most likely the result of some misunderstanding.

Specifically, I believe I indicated that Mr. Robert Woodson of the American Enterprise Institute criticized the track record of the Office of Juvenile Justice and Delinquency Prevention with respect to the funding of minority organizations and the degree to which funds have served minority youth. Senator Birch Bayh requested that I look into the matter and submit my findings to him and the various members of the Subcommittee on the Constitution.

At the time you called me, I believe I stated that I had called for an independent study into the allegations. I had not, at the time we talked, reviewed the results of that study. I did, however, indicate that I had received a summary report of a study conducted by the National Center for Juvenile Justice which indicated that:

1. Minority youth are processed by the courts differently than their white counterparts.
2. Holding constant the reason for referral, members of racial minorities are still processed differently.
3. Minorities are more likely to be detained.
4. Minorities are more likely to be institutionalized.

I believe I also stated that the report on the processing and handling of youth by the juvenile justice system had been forwarded to the researchers who were conducting the independent assessment of this Office. The findings of the National Center for Juvenile Justice are disturbing and indicate major problem areas that need to be addressed by the Office of Juvenile Justice and Delinquency Prevention.

In short, while there is evidence that discriminating practices may exist in the juvenile justice system with respect to minorities, the answer to questions regarding the track record of the Office of Juvenile Justice and Delinquency Prevention in handling minority programs and serving minority youth cannot be answered until the independent study has been fully completed.

I hope this clarifies any misunderstanding that might have occurred. I would, as I indicated to you, be more than happy to make the results of the independent study available to you and my response to the various recommendations that may be made.

Sincerely,

Ira M. Schwartz

Ira M. Schwartz
Administrator
Office of Juvenile Justice
and Delinquency Prevention

cc: Senator Birch Bayh
Congressman Ike Andrews
Homer Broome, Acting Administrator, LEAA

(From the Washington Post, March 31, 1980)

By William Raspberry

White Crime, Black Crime

Speak of youth crime, and you evoke the image of young, big-city toughs burglarizing homes, mugging pedestrians and bashing old ladies over the head. Indeed, it is this sort of street criminal that Americans tend to have in mind when they demand that "something" be done.

Well, the federal government is doing "something," all right, but not for this group.

What it is doing, according to Robert Woodson, a resident fellow at the American Enterprise Institute, is "rescuing the lowest-risk youngsters, most of them white and non-poor, and piloting the demise of the poor and minority youngsters in this nation."

It sounds like a harsh judgment until you see where the money goes.

[redacted]

"Status" offenses are actions that would not be unlawful if committed by adults: truancy, curfew violations, incorrigibility and so on.

About 82 percent of the juveniles affected by the de-institutionalization programs are white, Woodson said.

[redacted] aid Wood- [redacted]

One result, he said, is that white youngsters increasingly are being removed from the criminal justice system—through de-institutionalization, restitution programs and diversion—while the prison populations become increasingly black and poor. [redacted]

Moreover, according to Woodson's study [redacted] college or individual researcher," he said.

The reason for the disproportionate expenditures on status offenders is a federal requirement that, while state and local contracting agencies are free to pursue innovative programs, de-institutionalization programs are mandated, Woodson said.

"I have no problem with de-institutionalization," he noted. "That is a matter of justice, and it ought to happen. But the fact is, it has nothing to do with crime. And what it is doing, even if inadvertently, is fostering the separation of children by race and class."

The untested presumption, says Woodson, is that "hard core" offenders cannot be reached through counseling and diversion programs. As a result, the major rehabilitative efforts are reserved for low-risk offenders, "leaving those who present the highest public risk, and who concern the public most, untreated, jailed, retained for a short period and returned to the streets unchanged, probably even more embittered."

Most discouraging of all, he added, is [redacted] most notably the House of Umoja in Philadelphia. [redacted]

[redacted] who has headed the Office of Juvenile Justice and Delinquency Program since January [redacted]

As a result, he said, he has commissioned an independent study to take a look.

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Deliquency Prevention

Washington, D.C. 2053

JUL 1 8 1980

The Honorable Birch Bayh
Chairman
Subcommittee on the Constitution
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During my Senate confirmation hearings in December 1979, a number of concerns were raised with respect to the responsiveness and record of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in addressing issues pertaining to minorities. In light of the questions that were raised, you asked that I look into these matters and report back my findings.

After carefully assessing how best to approach this important area, I decided to invite two respected juvenile justice professionals from outside the OJJDP to conduct an independent assessment. I was most fortunate in that I was able to secure the services of William S. White, Presiding Judge of the Circuit Court of Cook County, Juvenile Division, and Mr. Orlando Martinez, Director, Colorado Division of Youth Services, for this task. On June 18, 1980, I received the final report entitled "Assessment of OJJDP's Policy and Performance On Issues Concerning Minorities" from Judge White and Mr. Martinez. Enclosed you will find a copy of their report for your consideration.

I have reviewed the report in depth and have discussed its contents with the authors. While it documents that in some areas the "track record" of the Office in addressing minority concerns is admirable, it also highlights areas where improvements are needed and identifies areas where the Office needs to be more sensitive and exert a stronger leadership role.

The Juvenile Justice and Delinquency Prevention Act mandates that states achieve certain levels of compliance with respect to the deinstitutionalization of status offenders and non-offenders and the separation of juveniles from adults in detention and correctional facilities if they are to continue to participate in the Act and receive Federal funds. It has followed, then, that significant amounts of OJJDP resources, both discretionary and formula grant funds, have been directed at helping states meet these mandates. With respect to the discretionary funds allocated, Judge White and Mr. Martinez found that "neither is racial bias necessarily present in OJJDP programs such as Deinstitutionalization of Status Offenders and Restitution which heavily impact on white youngsters removing them from the system and institutions. Indeed it can be shown that minorities have received a proportionate share of the services of these programs." (Page 6, Paragraph 4)

Specifically the report shows that:

1. Thirty-two percent of the youth served in Deinstitutionalization of Status Offenders Initiative were minority.
2. Seventy percent of the youth served in the Diversion Initiative were minority.
3. Eighty percent of the youth served in the Prevention Initiative were minority.
4. Twenty-six percent of the youth served in the Restitution Initiative were minority.

Further:

1. Of 207 grants funded between 1975 and March 15, 1980, 106 awards funded projects which serve significant numbers of minority youth.
2. An additional seven (7) contracts were awarded to minority organizations by two (2) grantees implementing national scope projects with awards ranging from $99,655 to $200,000.
3. Of the $106,122,788 in discretionary funds awarded by the Special Emphasis Division between 1975 and May 1, 1980, $20,391,665 was awarded to minority organizations (19.7%). Of the total awarded, $59,666,336 went to projects which served or will serve significant numbers of minority youth. This is 56.2% of the total funds awarded. (See Page 14, Paragraph 9 of the Report)

Unfortunately, because such information is not readily available, little is known about the numbers of minority youth served by the Formula Grant funds allocated to the state. Judge White and Mr. Martinez point out the importance of having the data available and its implications for informed decision-making. We shall, in the future, address how we can best secure this data as well as other important statistical information.

In addition, the report highlights the fact that a significant amount of OJJDP discretionary resources have been directed to serve youth and families who reside in the 30 largest cities of the United States. The data indicates that nearly 34% of all OJJDP discretionary funds and 35% of all grants have gone to these cities. These are areas which are characterized by a high incidence of youth crime, high rates of youth unemployment and high rates of school dropout, truancy and vandalism.

Despite these achievements, however, the report points out that the focusing of attention and resources on status offenders and non-offenders, even as the accomplishments are significant, could contribute to a high concentration of minorities in our youth detention and correctional institutions. This, Judge White and Mr. Martinez point out, ". . .is creating a dangerous and explosive situation."

Some recent data prepared by the National Center for Juvenile Justice further highlights the importance of greater sensitivity to minority concerns. This data clearly documents the differential handling of minorities by the various segments of the formal juvenile justice system. As Deputy Attorney General Renfrew and I indicated at the March Senate Judiciary Committee hearing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act, the data shows that, when holding reasons for arrest constant, members of racial minorities are:

1. more likely to be arrested, particularly at an early age;
2. more likely to be formally referred for formal court processing;
3. more likely to spend a longer time in the system, particularly up to the time of disposition; and,
4. more likely to be detained.

The findings of Judge White and Mr. Martinez and the National Center for Juvenile Justice dramatically highlight the need for the OJJDP to address the inequitable treatment of minority youth.

Judge White and Mr. Martinez indicated that some of the concerns raised about the Office in December 1979 are no longer valid because of the changes which have been instituted over the past several years. However, there are still a number of areas where improvements can and must be made. Accordingly, I have taken the liberty of preparing a report on some of OJJDP's current efforts, as well as other action steps, in order to improve our responsiveness to minorities, women and other groups. In addition to the actions listed above, and because I know of your concern, I would certainly encourage and welcome any suggestions you might have.

Sincerely,

Ira M. Schwartz
Administrator
Office of Juvenile Justice
and Delinquency Prevention

cc: The Honorable Ike Andrews, Chairman
House Human Resources Subcommittee

TheHonorable John Conyers, Jr., Chairman
House Subcommittee on Crime

CURRENT AND FUTURE EFFORTS

1. A Special Task Force will be appointed and charged with the responsibility for the development of a comprehensive Affirmative Action Program Policy and Plan for the Office. This Task Force will address all program areas of the Office (i.e., Formula Grant Program, Special Emphasis Program, National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), etc.). In addition, the Task Force will be charged with the responsibility of identifying what Office of Juvenile Justice and Delinquency Prevention's (OJJDP) role and responsibility should be with respect to providing guidance to the states in terms of minority, women and other related issues.

2. Beginning in FY 1981, the OJJDP shall strive to allocate a minimum of 25% of the aggregate of its technical assistance, concentration of Federal effort and NIJJDP consultation contracts to public and private non-profit organizations owned by minority group members and women.

   With respect to Technical Assistance, Judge White and Mr. Martinez conclude that no minority firms were awarded contracts between 1975 and 1979. Their finding, for some reason, seems to be at odds with the official records of the Office. Specifically, $707,525 was awarded to minority firms for the provision of technical assistance.

   In addition, the OJJDP recently awarded a $300,000 contract to a minority firm to provide staff support services to the Federal Interagency Coordinating Council. In the past, minority contracts in the amount of $1,327,639 have been let for other staff support services. Also, in 1979, a contract in the amount of $425,000 was given to a minority firm to provide technical support services to the NIJJDP.

3. In moving to fill the vacancy in the position of Deputy Associate Administrator of the OJJDP, I will give careful consideration to qualified minority and women applicants. The need to increase the number of minorities and women in high level administrative positions is not only a priority of the Administrator of OJJDP, but of the Attorney General and the U.S. Department of Justice as well.

4. During FY 1980, the OJJDP has focused considerable attention and resources on the problem of serious juvenile crimes. To date, the Office has funded a replication of Project New Pride. This initiative, funded in the amount of $8,696,672, is designed to develop community-based correctional programs for serious juvenile offenders. Also, before the end of the fiscal year, the Office will fund an initiative aimed at the development of model programs for both the prevention and treatment of violent juvenile crime. It is anticipated that each of these initiatives will serve significant numbers of minority youth.

The current plan to phase out the Law Enforcement Assistance Administration (LEAA) program means that nearly $80,000,000 in Juvenile Justice Maintenance of Effort funds will be eliminated. These funds are used by the states primarily for development of programs for adjudicated offenders. The bulk of these funds have been used to develop community-based correctioal programs. The loss of these funds will undoubtedly limit the OJJDP and the states' capabilities in programming for the more serious juvenile offenders.

5. With respect to the need to address the problem of the inequitable treatment of minorities:

   a. The Office will fund a minority research initiative in FY 1980 designed to identify factors which contribute to the differential handling of minorities.

   b. The Office will focus significant resources in FY 1981 on the elimination of the practice of incarcerating juveniles in adult jails and reducing the incidence of unnecessary detention in urban areas. Again, the successful implementation of these initiatives will impact significant numbers of minority youth.

   c. The OJJDP shall convene a series of meetings with representatives from the professional juvenile justice community, state juvenile justice advisory committees, public interst groups and minority and women's organizations to examine the issues pertaining to the differential handling of youth. Hopefully the meetings will contribute to the development of recommendations with respect to the role and responsibilities of the Office and what strategies should be implemented.

6. The OJJDP has made a concerted effort to include members of minority groups to serve on peer review panels in the grant application review process. This effort will be expanded in the future.

7. In the near future, the OJJDP will be increasing its staff complement. The Office shall give careful consideration to affirmative action consideration in the recruitment process.

   With respect to increasing the OJJDP staff, it is important to note that priority considerations will be given to current LEAA employees. The reason for this is because of the high probability that LEAA and OJARS will be phased out and because these agencies have many employees who would be qualified for various positions in OJJDP.

CIRCUIT COURT OF COOK COUNTY
JUVENILE DIVISION

CHAMBERS OF
WILLIAM SYLVESTER WHITE
PRESIDING JUDGE

1100 S. HAMILTON AVENUE
CHICAGO, ILLINOIS 60612

94

June 13, 1980

Mr. Ira Schwartz
Director
Office of Juvenile Justice
and Delinquency Prevention
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Dear Mr. Schwartz:

Re: Assessment of O.J.J.D.P.'s
Policy and Performance On
Issue Concerning Minorities

At the Senate confirmation hearings of Ira Schwartz in December, 1979, Robert L. Woodson, Resident Fellow at the American Enterprise Institute and Haleen W. Williams, Executive Chairman of the National Association of Blacks in Criminal Justice charged that the Office of Juvenile Justice and Delinquency Prevention failed to deal with issues of concern to minorities. William S. White, Presiding Judge, Circuit Court of Cook County, Juvenile Division and Orlando L. Martinez, Director, Colorado Division of Youth Service were asked to survey O.J.J.D.P.'s performance in these matters and to identify areas for improvements. Our methodology was to use the Woodson/Williams testimony to construct a series of issues; examine relevant material submitted by staff, and after weighing same, to make an assessment and state findings. Because of the time that has elapsed since the hearings and the changes made by O.J.J.D.P. in the interim, it is not surprising that the December 1979 charges are not suported in whole by these May, 1980 findings.

Charge #1

The most severe and more difficult youth crime problems are at one end of the problem/program continuum and juvenile justice programs concentrated at the opposite end.

Finding:

True.

Charge #2

Those communities most afflicted by predatory crime received little attention and funding by O.J.J.D.P.

Finding:

Not true.

Charge #3

O.J.J.D.P. research has been oriented toward non-chronic offenders, status offenders and those charged with less serious infractions of the law.

Finding:

True.

Charge #4

The focus of O.J.J.D.P. on the less serious offender has resulted in a de facto emphasis on non-minority youngsters.

Finding:

Not true.

Charge #5

Two separate systems of juvenile justice are evolving one for White middle income youngsters and one for Black and O.J.J.D.P is contributing to this process.

Finding:

True.

Charge #6

Minority problems in the juvenile justice sytem and indigenous programs said to contain some solutions have not been researched by O.J.J.D.P.

Finding:

True. Programs are announced to change this.

Charge #7

O.J.J.D.P. has neither guidelines for State Plans nor procedures to identify and ferret out grantee failures to do the following (1) devote awards to services which include minority youth or (2) include minorities in SPA membership or staffing or (3) include minority agencies and institutions in SPA awards.

Finding:

True.

Charge #8

Minority firms were not awarded any of the $5 million in technical assistance grants awarded between 1975 and 1979.

Finding:

True.

Charge #9

There are few minorities in policy making positions in O.J.J.D.P.

Finding:

True.

Although considerable information has been submitted by staff over the weeks there is little or no evidence that O.J.J.D.P. has a formal minority recruitment plan for staff, consultants, researchers or grantees. There is little or no guidance given the State Planning Agencies along these lines. Indeed, there appears to be some confusion in staff as to what should be the role of O.J.J.D.P. in these areas. It follows, that there has been a failure to develop an office policy for implementation which is translated into goals and objectives relevant to the Divisions within the office. Needed, also are methods for determining if a policy is being implemented and is working. If it is, then an appeal like that of Woodson at a Confirmation Hearing would be rejected for a process which is more manageable. The operational procedures of the three divisions must compliment total office policy. Present deficiencies are policy formulation, policy analysis, and policy coordination.

Woodson in his testimony said in substance that a triage is in effect in the juvenile justice system: the status or minor offender who needs little from the system; the serious, treatment resistant dangerous offender; and the youngsters in between. O.J.J.D.P's attention and funds have been focused on the first category which is heavily White. He correctly observed that "This is not to say that these kids do not need these resources, or that we should not give it our full attention. But it should not be at the exclusion of other kids who are in populations at risk." This argument against diverting these resources from the minor offender is buttressed by our findings that the services directed at this minor offender/status offender group are equitably distributed, with a sizeable number of minority recipients. Focusing attention and resources on this first group which is heavily White does tend to make our institutions more heavily Black with children of the second and third parts of the triage. This is creating a dangerous and explosive condition. The attention of the researchers to be recruited under recently announced programs should be directed to the in-between group of which Woodson speaks.

Respectfully submitted,

William S. White
William S. White

Orlando L. Martinez

William S. White, Presiding Judge, Circuit Court of Cook County, Juvenile Division and Orlando Martinez, Director, Division of Youth Services, State of Colorado were asked to survey O.J.J.D.P.'s programs and research efforts to determine if they were (1) truly coming to grips with the more serious aspects of juvenile delinquency; and (2) were addressing minority concerns. Further we were asked to identify areas for improvement. The methodology was simply to construct a series of issues; examine relevant material submitted by staff, and after weighing same to make an assessment and state findings. There was, of course, some cross checking with outside souces, but by and large the material submitted by O.J.J.D.P. staff was relied upon as true.

ISSUES AND FINDINGS

ISSUE #1

Have O.J.J.D.P. programs been directed to the right target population? Are the most severe and more difficult youth crime problems at one end of the problem/program continnuum and juvenile justice system programs concentrated at the opposite end? Are O.J.J.P.D. programs oriented toward non-chronic offenders, status offenders, and those charged with less serious infractions of the law?

FINDING:

Special Emphasis Initiatives

Special Emphasis Initiatives between 12/19/75 and 3/15/80 totaled $104,658,060. It was estimated that 64% of this amount ($70,557,156) was awarded for services to non-chronic offenders, status offenders and those charged with less serious infractions of the law. This estimate does not include Model Programs which in some individual grants may provide services to less serious offenders.

SPECIAL EMPHASIS GRANTS (267)	$104,658,060
Grants, Serious Offender Programs (10)	8,696,672
Replication of Project New Pride.	
Grants, Model Initiatives Programs (110)	23,017,929
Not classified as to seriousness of offense due to lack of grant information	
Grants, for clearly less serious offenders (104)	44,914,884

Prevention, diversion, deinstitutionalization.

Grants for Restitution and School Crime (43)	$28,028,575

Earlier it was assumed that the Restitution Program is serving less serious offenders. Later supplied figures are set forth below.

As of December 31, 1979, 52% of youth in the Restitution Program were referred for serious property* or serious personal offenses.*

As of May 31, 1979, 75% of the referrals were serious and/or repeated offenders and 31% were chronic and very serious offenders.**

FORMULA GRANTS

Of the total amount of formula grant funds awarded in FY78 ($61,393,000) forty-five percent ($27,864,196) was allocated to programs which had deinstitutionalization of status offenders and non-offenders as their objective. Because of the states' coninuation policy on funding projects, the FY78 figure would be indicative of the entire period FY75 through FY80 during which a total of $271,746,043 was awarded.

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*

Serious Property: Burglaries with loss/damage of $11 to $250 and any other property offenses with loss/damage greater than $250.

Very Serious Property: Burglaries with loss/damage of $250 or more.

*

Serious Personal: Unarmed robberies and non-aggravated assaults with loss of $250 or less.

Very Serious Personal: Unarmed robberies and non-aggravated assaults with losses exceeding $250 and all UCR Part 1 personal crimes including rape, armed robbery, aggravated assault.

**

Serious and/or Repeated Offenders: a)Victimless offenses are not appropriate; b) Youths with three or more prior/concurrents are appropriate; c) Youths whose referral offenses are at or beyond the "serious property" category are appropriate; d) Youths whose referral offenses are at the "moderate property" category are appropriate only if they have one or more prior/concurrent offense.

ISSUE #2

Have youth posing the greatest crime threat and those communities most afflicted by predatory crime received too little attention and funding by O.J.J.D.P.?

FINDING:

O.J.J.D.P. made 35% of its grants and awarded 34% of its discretionary funds in the 30 largest U.S. cities as shown by this chart.

OJJDP DISCRETIONARY FUNDS EXPENDED IN THE 30 LARGEST U.S. CITIES, RANKED BY 1970 CENSUS POPULATION

	CITIES	OJJDP FUNDS AWARDED	# GRANTS
1.	New York	$15,317,520	46
2.	Chicago	7,042,501	18
3.	Los Angeles	6,368,688	21
4.	Philadelphia	5,777,926	21
5.	Detroit	538,439	1
6.	Houston	-0-	-0-
7.	Baltimore	-0-	-0-
8.	Dallas	761,783	2
9.	Cleveland	-0-	-0-
10.	Indianapolis	132,069	2
11.	Milwaukee	1,518,350	6
12.	San Francisco	2,286,002	5
13.	San Diego	-0-	-0-
14.	San Antonio	-0-	-0-
15.	Boston	4,800,641	13
16.	Memphis	1,175,178	2
17.	St. Louis	732,224	3
18.	New Orleans	510,046	1

	CITIES	OJJDP FUNDS AWARDED	# GRANTS
19.	Phoenix	186,594	2
20.	Columbus, OH	2,731,628	3
21.	Seattle	2,098,905	5
22.	Jacksonville, Fl	-0-	-0-
23.	Pittsburgh	2,290,157	8
24.	Denver	2,468,822	9
25.	Kansas City	1,725,415	6
26.	Atlanta	1,766,209	8
27.	Buffalo	-0-	-0-
28.	Cincinnati	839,860	4
29.	Nashville	223,313	2
30.	San Jose	-0-	-0-
	TOTAL	$61,292,270 = 34%	188 = 35%

HOW MUCH JJDP BLOCK MONEY HAS GONE INTO METROPOLITAN CITIES AND COUNTIES?

The metropolitan cities and counties are usually given a slightly larger share of the state's overall JJDP Formula Grant than is indicated by the area's population. The reason for this is that the juvenile crime statistics are invariably higher in urban areas than in the rest of the state. The core areas of a large city generally receive the largest share of "street" and crime prevention type programs.

Subparagraph (i), Paragraph 52 of Guideline Manual M 4100.1F requires each state participating in the JJDP Act to carry out the Pass-Through provisions contained in the JJDP Act legislation in Section 223(a)(5). This mandates that 66 2/3% of the Formula Grant monies be expended thru programs of general local government and programs of local private agencies consistent with the state's plan, unless waived by the Administrator of OJJDP.

A typical example is the City of Detroit, Wayne County fund flow:

FISCAL YEAR 1979

$$\frac{\text{JJDP Formula Grant Programs } \$1{,}236{,}533}{\text{Total JJDP Formula Grant } \$2{,}730{,}000} = 45.3\%$$

The Wayne County Status Offender Project funded at a level of $473,904 served a population that was 82.1% Black, 15.4% White and 2.5% Hispanic.

In addition to the above, 12.9% of the state's Part "C" Crime Control funds were allocated to juvenile programs in Wayne County.

$$\frac{\text{Crime Control JJ Programs in Wayne County } \$1{,}520{,}833}{\text{Total Part "C" Crime Control Funds } \$11{,}830{,}000} = 12.9\%$$

ISSUE #3

To what extent has O.J.J.D.P. research focused on serious youth crime?

FINDING:

Figures for FY75, FY77 and FY78 are as follows:

Total Amount Obligated for Serious Juvenile-Related Research Projects (FY 1975-FY1977)	$2,316,603
Total NIJJDP Obligations for Research (FY1975 - FY1977)	$14,271,808
Percent of NIJJDP Budget Obligations for Research Focused on Serious Youth Crime (FY1975 - FY1977)	16%
Total Amount Earmarked for Serious Juvenile-Related Research Projects in OJJDP FY1978 Budget	$ 2,880.760
Total OJJDP FY1978 Research Budget	$11,406,000
Percentage of OJJDP FY1978 Research Budget Earmarked for Serious Juvenile-Related Research Projects	25%

ISSUE #4

Have the O.J.J.D.P. initiatives that focused on the less serious offender resulted in a de facto emphasis on non-minority youngsters?

FINDING:

It is true that status offender arrestees are predominately white. (According to the A.J.I. report entitled "Juvenile Justice System Achievements, Problems and Opportunities" (p.95) in 1977 they were 82.7% White). However, the only O.J.J.D.P. Project directed toward status offenders, Deinstitutionalization of Status Offenders, was substantially minority: total 20,545, minority 6,636 percentage minority 32%

Further answer is found in these figures relating to less serious offender programs:

	Total	Minority	Percentage
Diversion	5603	3938	70%
Prevention	9298	7480	80%
Restitution	As of 12/31/79		26%

The Social Action Research Center, San Rafael, California (the National Evaluator) provides the following numbers of schools and students covered by a School Crime Initiative Program in 1976.

Phase I

School Team Program

70	schools
151,205	students
47%	minorities

Phase II

Team Cluster Program

210	schools
257, 481	students
59%	minorities

Total	408,686	students
	56%	minorities

A smaller earlier program included 10 Teacher Corps Schools with 12, 173 students (31% of them minority students).

ISSUE #5

Are two separate systems of juvenile justice evolving, one for White middle income youngsters, and one for Black? Is O.J.J.D.P. contributing to this process?

FINDING:

The children in the justice system can be divided into two categories: those in institutions and those who are not. It is true minorities are over represented in the former. Ten years ago 2/3 of the youth incarcerated in California were white, now 2/3 are either black or brown. A Preliminary National Assessment of the Numbers and Characteristics of Juveniles Processed in the Juvenile Justice System prepared by the American Justice Institute (January 1980) (p.76), states:

> "If all non-white races are combined, this group constitutes the majority of persons detained."

That report concludes that;

> "non apparent bias can be seen to exist in the detention decision outcome due to race alone..."

Neither is racial bias necessarily present in O.J.J.D.P. programs such as Deinstitutionalization of Status Offenders and Restitution which impact heavily on White youngsters removing them from the system and its institutions. Indeed it can be shown that minorities have received a proportionate share of the services of these programs. But this gives scant comfort; the dual system is dangerous not just potentially, but currently, and clearly points the direction for assistance now. A reasonable conclusion here might be that O.J.J.D.P. has not adequately addressed the inequitable treatment of minority youth in the Juvenile Justice System.

O.J.J.D.P. has gathered reliable nationwide baseline information regarding the proportional representation of minority youth in delinquency and the Juvenile justice system. However, this information cannot explain why minorities are disproportionately represented where this is the case. Careful research is needed to identify those factors which account for this occurrence -- whether they be individual or institutional, or both. Through its Minority Research Progarm, the NIJJDP has recently requested proposals for research to be conducted by minorities on this issue.

ISSUE #6

Are minority problems in the Juvenile Justice System the subject of O.J.J.D.P. research? Have indigenous programs like Umoja in Philadelphia with some reputation for success been studied or used by O.J.J.D.P.?

FINDING:

Relative to O.J.J.D.P.'s participation in the HUD Urban Initiative's Anti-Crime Program, guidelines distributed to all 39 eligible public housing authorities (PHAs) capitalization on the House of Umoja project as an appropriate example in developing the delinquency prevention grant applications to be subsidized by O.J.J.D.P. funds transferred to HUD on an interagency agreement basis. Furthermore, during both direct service and telephone technical assistance oriented contacts with prospective grantees, the House of Umoja and like projects have been utilized as examples.

Recently two programs have been announced. One, Program to Prevent Juvenile Delinquency Through Capacity Building, is designed to increase the capacity of state and local governments, public and private youth-serving agencies, and indigenous neighborhood organizations or community groups, to prevent delinquency, develop and utilize alternatives to the juvenile justice system, and improve the administration of juvenile justice.

The other, Minority Research Initiative, has as its goal to identify and encourage the involvement of minority researchers and research organizations in NIJJDP's research program. There are two objectives subsumed under this goal: 1) to identify and contribute to the further development of a cadre of skilled minority researchers; and 2) to support research conducted by minorities on specific minority relevant research issues pertaining to juvenile justice and other related topics.

ISSUE #7

Does O.J.J.D.P. have guidelines for State Plans which will help assure (1) that awards will be devoted to services which include minority youth? (2) or insure minority inclusion in S.P.A. membership or staffing? (3) Or that minority agencies and institutions not be excluded from S.P.A. awards?

FINDING:

The attached memoranda submitted by staff indicate that by and large reliance is placed on applicants' assurance of no discrimination. It is stated that "Equitable distribution factors are checked in the review of the state plan and on subsequent monitoring and site visits. Within each state, existing bodies and organizations can appeal to O.J.J.D.P. in any circumstances in which discrimination is perceived. In turn, the Office of Civil Rights Compliance of the Office of Justice Assistance, Statistics and Research will investigate. No such investigations have occurred in the history of the JJDP Act. As a possible explanation of O.J.J.D.P.'s passive stance in this matter attention is directed to Public Law 96-157, Section 815(b) states "Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics of the LEAA.

> "(1) to require or condition the availability of amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve balance in any criminal justice agency; or

> "(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio system, or other program."

Thus, we do not request information in this area.

ISSUE #8

Have minorities been included in Technical Assistance programs, as grantees, subcontractors, consultants, staff, in agencies receiving T.A., as clients of those agencies?

FINDING:

As grantees. Of the $5 million in Technical Assistance grants awarded between 1975 and 1979, no minority organizations were involved. Until recently only four organizations were under contract to provide technical assistance, Arthur D. Little, the Community Research Forum, the Westinghouse National Issues Center and the National Offices of Social Responsibility, all owned by Whites.

As subcontractors and consultants. A current listing of O.J.J.D.P.'s T.A. contractors included 2 additional organizations, New Pride, Inc., and Notre Dame. It stated that an aggregate analysis in terms of staff and consultants totaled as follows:

Total Number of Contract Staff (includes full and part-time professional and clerical)	62
Number of Minorities	12 = 19.3%
Number of Women (professional)	22
Total Number of Consultants	411
Number of Minorities	85 = 20%
Number of Women	126 = 31%

In agencies receiving Technical Assistance.

As Agencies Receiving T.A. Staff did supply this information regarding minorites receiving Technical Assistance including contractors, subconstractors and grantees.

Since 1975 the following 8A and minority owned and operated firms/agencies have received Technical Assistance Support Funding.

1.	Mariscal and Co.	$25,025
2.	Nellum 8A	50,000
3.	New Pride, Inc.	732,500
		$807,525

Currently, the O.J.J.D.P. is negotiating a $350,000 8A contract for FY80.

No further finding could be made regarding the extent to which O.J.J.D.P. involves minorities in the rendering of Technical Assistant because of the sparce and mixed nature of the information supplied.

Staff did submit this statement:

"TA has been provided to the Special Emphasis programs of DSO, Diversion, Restitution Prevention and most currently New Pride. With the exception of DSO and Prevention, the nature of the programs necessitated units of Government to be the grantee, many of these grantees, however, maintained subcontracts with minority organizations. This activity is encouraged by LEAA's Civil Rights Compliance regulations (See attached).

The Clients of the above programs were substantially minority (e.g., DSO, 32%; Diversion, 70%; and Prevention 80%). The Clients are the ultimate beneficiaries of TA."

A Technical Assistance Task Force established to analyze technical assistance processes and to identify their strengths and weaknesses described T.A.'s.

"Current Practice

The main emphasis in selecting TA contractors and/or consultants is expertise or quality of work. Factors such as location of the contractor/consultant; the ethnicity or race of the contractor/consultant, or the size of the organization providing technical assistance are given minimal consideration. Again, this is due to OJJDP's concern on providing quality and timely technical assistance. O.J.J.D.P. does not have any formal minority recruitment plan. The office does subscribe to the agency's policy of utilizing 10% of TA dollars for minority contracts and does have all its contractors develop and submit a EEO plan."

"Issues/Concerns

OJJDP has some grantees who are staffed largely by minority personnel. Further, a large percentage of the clients served by OJJDP grantees are minorities. It was pointed out during the Task Force's meeting within technical assistance recipients that there is an occasional lack of sensitivity toward the projects and youth served.

However, only one specific instance was cited in terms of being problematic. Most of the comments were geared toward encouraging an expansion of minority participation through the inclusion of more minority staff and consultants in the pool of available consultants. In addition, it was suggested that the initial contact with TA recipients include an assessment of whether or not a minority consultant might be more effective."

To address these issues and concerns the report makes six recommendations.

"1. A part of the selection criteria for all contracts should be the extent of minoritiy participation on staff and as subcontractors and/or consultants. A meaningful weight should be assigned to this criteria i.e., 5 - 10 points.

2. OJJDP should in consort with appropriate offices within LEAA & OJARS define what a minority enterprise is.

3. OJJDP should take the lead in developing a list of minority contractors and consultants.

4. OJJDP should in cooperation with Contracts Division ensure 8-A and other minority enterprises are included in the distribution list of all contracts.

5. OJJDP should appoint a person to be responsible for minority contracts. This person would be responsible for coordinating within the OJARS small business representative, developing a list of minority contractors/consultants, working with various agencies and communities to inform them of our minority program.

6. OJJDP should assess their goal for minority procurement and develop plan for meeting that goal prior to the start of a fiscal year.

ISSUE #9

There are few Blacks in policy-making positions in O.J.J.D.P.

FINDING:

O.J.J.D.P.'s most recent Quarterly E.E.C. report cross tabulating G.S. rank with race supports this statement.

ISSUE #10

How many programs have gone to minority grantees?

FINDING:

Current listing of O.J.J.D.P. awards show 10 minority recipients of awards totaling $5,344,336.

MINORITY RECIPIENTS OF O.J.J.D.P. AWARDS
FY 1980 (as of 4/7/80)

GRANTEE/TITLE & GRANT NO:	AWARD AMOUNT
Campus Community Involvement Center E. Los Angeles New Pride Replication (80-ED-AX-0010)	$900,000
Better Boys Foundation Chicago New Pride Replication (80-ED-AX-0011)	$870,414
Project Concern Boston New Pride Replication (80-ED-AX-0008)	$820,125
O.I.C. of Rhode Island Providence New Pride Replication (80-ED-AX-0006)	$790,089
National Conference of Black Lawyers NCBL - Juvenile Advocacy (80-JS-AX-0002)	$331,232
National Urban League Study: School Discipline (80-JN-AX-0002)	$252,588
Venice Drug Coalition Venice-West Comp. JD Prevention Pgrm. (80-JS-AX-0005)	$250,000
Assiniboine Sioux Tribe, Fort Peck Tribal Gov't. Ft. Peck Bureau of Youth Services (78-JS-AX-0084/S-1)	$204,888
New Pride Inc. New Pride Replication Technical Assistance (J-LEAA-017-80)	$500,000
Koba Associates NIJJDP Management Support Contract (J-LEAA-009-80)	$425,000
TOTAL, TO DATE	$5,344,336

An additional answer is that vi: the HUD/O.J.J.D.P. program, twelve different separate public housing authorities representing twelve different states will have been funded by May 1, 1980, in the amount of 1.1 million dollars.

Attachment A details a profile of the number of minorities that will be served in this program. It indicates that the O.J.J.D.P. component, which will be operating in these twelve separate sites, will serve a total population of 102,746 persons of which 63,090 are under the age of 21. This includes a total population of 79,424 Blacks, 8,292 Hispanics, 560 Asians, and 4,570 Native Americans. Persons to be served under the age of 21 include: 50,062 Blacks, 2,106 Hispanics, 294 Asians, and 1,599 Native Americans.

It is noteworthy that three of the sites have populations that are 100% Black with two others that are 100% Native Americans and 97% Hispanic. However, the collective number of minorities accounts for 90.3% of the total number of persons that comprise the cumulative housing project population in all 12 PHA sites. Of this same population total, 52.6% are minority youth under the age of 21.

In addition to the above listing of FY1980 awards to minority recipients, the examiners were furnished with a breakout of grants awarded to minority agencies and organizations between 1975 and May 1, 1980. The accompanying staff memorandum stated:

"Minority agencies for purposes of this statement are those which have policy making and governing boards with membership of 51 percent minority.

The following is a summary of this information:

1) Of 207 grants funded between 1975 and March 15, 1980, 106 awards funded projects which serve significant numbers of minority youth:

2) An additional 7 contracts were awarded to minority organizations by two grantees implementing national scope projects with awards ranging from $99,655 to $200,000.

3) Of the $106,112,788 in discretionary funds awarded by the Special-Emphasis Division between 1975 and May 1, 1980, $20,391,665, was awarded to minority organizations, 19.7%. $59,666,336 of the total awarded went to projects which served or will serve significant numbers of minority youth. This is 56.2 percent of the total funds awarded.

4) The following arrays the awards to minority organizations by ethnic/group:

Group	#Contracts	#Grants	#Agencies	*Total Funds	% of Total Awarded
Black	4	27	13	$12,898,127	12.5%
Hispanic	2	16	7	5,794,360	5.5%
Native American	1	6	4	1,699,178	1.6%
Asian	1				
	8	49	24	20,391,665	19.6%

With respect to policy regarding impact of programs on minorities, we have not focused any of our programs on the unique needs of minority youth. However, we have trageted three Special Emphasis national scope initiatives in neighborhoods characterized by high levels of crime and delinquency and high levels of school drop-out, truancy and school suspension. This targeting of programs in combination with broad distribution of guidelines, availability of Special Emphasis staff to provide information and staff contacts with minority organizations/agencies have contributed to minority agencies being able to successfully compete in national competitions. This process has been facilitated by use of minority consultants on peer review panels.

Although all of the figures in these two sources could not be reconciled(number of minority recipients), both are included here because together they show a sizeable increase in the dollar amounts awarded minority recipients.

Memorandum

WHAT GUIDELINES EXIST GOVERNING RACIAL DISCRIMINATION PERTAINING TO BOTH SPA STAFF AND TO THEIR GRANTEES?

In preparing the individual state plans for the Juvenile Justice Formula Grant, each Criminal Justice Council must provide assurances that Sub-paragraph (p.) Paragraph 52 (page 59) of the Guideline Manual M 4100.1F, State Planning Agency Grants, which requires, "Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth." In addition, under the General Grant Conditions and Assurances, Appendix 4, in M 4100.1F, the following is made a condition of each award to a state:

> The applicant State hereby further assures and certifies that the State criminal justice planning agency and its subgrantees and contractors, where applicable, will comply with the provisions....of Title VI of the Civil Rights Act of 1964, Pub. L. 88-352; Office of Management and Budget circulars No.s A-102 and A-110.

Reference to the same conditions are contained in the Guideline M-7100.1A, Financial Management for Planning and Action Grants. These are again repeated and applified in the new OJARS Guideline Manual M 7100.1B.

Each JJDP Formula Grant made in 1978 and prior years contained the following Special Condition:

> Every application for Federal financial assistance from a State or local unit of government or agency thereof shall contain an assurance that in the event of Federal or State court or Federal or State administrative agency a finding of discrimination on the ground of race, color, religion, national origin or sex against the recipient State or Local government unit or agency thereof, the recipient will forward a copy of the finding to the cognizant State Planning Agency and to LEAA.

Memorandum

WHAT PROCEDURES DO WE HAVE TO INSURE THAT THE PROVISIONS OF THE ACT REGARDING SECTIONS 223(7) AND 223(a)(15), EQUITABLE DISTRIBUTIONS OF FUNDS, ARE ENFORCED?

Section 223(a)(7) of the Act does not apply to equitable distribution of the funds along lines of population groupings such as disadvantaged youth, minorities, etc. This provision of the Act is directed toward the distribution of funds within the state on geographic and population lines in the aggregate. OJJDP staff review the distribution methodology as provided in the application annually. On one occasion in the past five years an appeal on this provision reached OJJDP. Staff attorneys from the Office of General Counsel visited the appealing locality and determined that a finding of non-compliance on this issue was unfounded.

With regard to Section 223(a)(15), each yearly state plan must contain an assurance that program initiatives have been formulated in accordance with providing equitable distribution of funds and assistance to disadvantaged youth. This requirement is spelled out as part of Subparagraph (p), Paragraph 52, in Guideline M 4100.1F, State Planning Agency Grants. Equitable distribution factors are checked in the review of the state plan and on subsequent monitoring and site visits. Within each state, existing bodies and organizations can appeal to OJJDP in any circumstances in which discrimination is perceived. In turn, the Office of Civil Rights Compliance of the Office of Justice Assistance, Statistics and Research will investigate. No such investigations have occured in the history of the JJDP Act.

Memorandum

How many minority staff are employed by the SPA? How many of these staff are professionals?

Each SPA must comply with the requirements under Section 518(c) of the Crime Control Act, Section 262(b) of the Juvenile Justice Act and Title VI of the Civil Rights Act of 1964 and the Equal Employment Opportunity Regulations of the Department of Justice. (See attached.)

Further, Public Law 96-157, Section 815(b) states "Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics of the LEAA -

> "(1) to require or condition the availability of amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve balance in any criminal justice agency; or
>
> "(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio system, or other program."

Thus, we do not request information in this area.

HUD URBAN INTIATIVE'S ANTI-CRIME PROGRAM
OJJDP COMPONENT
PROFILE NUMBER OF MINORITIES SERVED

City	Total Population	# Under 21	Total Black	Total Hispanic	Total Asians	Blacks Under 21	Hispanics Under 21	Asians Under 21	Total Native American	Total Native American Under 21
1	4,562	2,758	4,516	0	0	2,730	0	0	0	0
2	4,570	1,599	0	0	0	0	0	0	4,570	1,599
3	2,207	933	1,854	88	22	784	37	9	0	0
4	1,163	907	1,163	907	0	0	0	0	0	0
5	20,575	14,814	20,575	0	0	14,814	0	0	0	0
6	1,628	830	976	472	0	498	240	0	0	0
7	3,594	2,515	3,126	539	0	2,188	377	0	0	0
8	2,988	1,170	2,181	0	0	854	0	0	0	0
9	2,900	1,566	1,943	0	0	1,049	0	0	0	0
10	2,206	1,497	44	2,140	0	30	1,452	0	0	0
11	2,992	1,585	1,346	0	538	713	0	285	0	0
12	1,988	1,371	1,988	0	0	1,371	0	0	0	0
GRAND TOTAL	102,746	63,090	79,424	8,292	560	50,062	2,106	294	4,570	1.599

U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General
Washington, D.C. 20530

SEP 24 1980

The Honorable Birch Bayh
Chairman
Subcommittee on the Constitution
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Congress is now in the final stages of consideration of legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974. Department of Justice support for extension of the current program was expressed in testimony presented in March of this year. At that time, we supported a provision in the Administration's proposal to reauthorize the current Act (S.2442 and H.R. 6983) which would retain the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration. We believe that reconsideration of the position is merited at this time.

As you know, the President submitted a revised fiscal year 1981 budget request in March which provided no funds for LEAA grants and proposed the phase-out of the LEAA program authorized by the Justice System Improvement Act of 1979. The Juvenile Justice and Delinquency Prevention Act program would continue. The House of Representatives has passed H.R. 7584, making appropriations for fiscal year 1981, which supports the President's recommendation. The Senate is considering the proposal this month. It appears unlikely that any substantial appropriation will be provided to LEAA.

A plan for phase-out of the LEAA program is now in the final stages of review within the Administration. Over a period of three years, current LEAA activities would either be eliminated or devolved to other agencies. It is contemplated that if the Office of Juvenile Justice and Delinquency Prevention is not part of LEAA, additional functions and personnel will be transferred to OJJDP beginning this October.

S. 2441, which passed the Senate on May 20, 1980, would retain OJJDP within LEAA, although most administrative and program authority under the JJDP Act would be statutorily delegated to the Administrator of OJJDP. Given the likelihood of elimination of LEAA, we believe it is necessary for OJJDP to be established as a separate and independent unit. If the reauthorization measure is passed in the form contained in S. 2441, there would be difficult organizational decisions to be made and the possibility that additional legislative changes would have to be requested before the new reauthorization cycle expires. Thus, the Department of Justice supports the provision of H.R. 6704 as reported from the House Committee on Education and Labor, which would separate these two agencies.

The Department of Justice is committed to maintaining a strong and viable Office of Juvenile Justice and Delinquency Prevention. Your consideration of this matter is appreciated.

The Office of Management and Budget has advised that there is no objection to submission of this report from the standpoint of the Administration's program.

Sincerely,

(Signed) Alan A. Parker

Alan A. Parker
Assistant Attorney General

PART V.—ADDITIONAL STATEMENTS AND LETTERS FROM NATIONAL ORGANIZATIONS

The American Legion,
Washington, D.C., March 27, 1980.

Hon. Birch Bayh,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Bayh: The American Legion's longstanding concern over juvenile crime across the country was the basis for our support in 1974 of the Juvenile Justice and Delinquency Prevention Act. We believed then as we do now that the problem demands a comprehensive and coordinated approach at the federal level.

As you know, juvenile crime continues to be one of our most persistent social ailments. It, therefore, is essential that federal efforts be continued and that the Act be extended through reauthorization. We are pleased to learn that you have introduced S. 2441 which, if enacted, would provide for such reauthorization and we continue to support the maintenance of effort concept as part of any reauthorizing mandate.

The American Legion stands ready to assist you and every member of the Committee in this worthwhile endeavor.

Sincerely,

Mylio S. Kraja,
Director, National Legislative Commission.

Prepared Statement of the Association of Junior Leagues, Inc.

The Association of Junior Leagues is submitting this testimony to register its support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. The Association of Junior Leagues strongly supports the reauthorization of the JJDP Act because the legislation's goals coincide with those listed in the mission statement adopted by the Association for its Child Advocacy Program and with the Association's purpose of developing effective citizen participation in the community.

The Association of Junior Leagues is a non-profit organization with 230 member Leagues and approximately 130,000 individual members in the United States. The Association's three-fold purpose is:

To promote voluntarism;

To develop the potential of its members for voluntary participation in community affairs; and

To demonstrate the effectiveness of trained volunteers.

Its commitment to effective training programs is reflected by the requirement that every Junior League member must participate in a training program before she begins work in her community. The majority of Junior League members continue to take training courses throughout their years of League membership. In addition, every Junior League member must make a commitment to a volunteer position. A substantial number of Junior League members today sit on the Board of other voluntary organizations throughout the United States because of the leadership training with which their volunteer experience has provided them.

Junior League Involvement in Juvenile Justice

Junior Leagues have been involved with children's programs since the first Junior League was founded in New York City in 1901. Among the programs initiated and funded by Leagues have been settlement houses, emergency shelters, day care centers and well baby clinics. League volunteers have worked in a variety of social service settings as tutors, case aides and counselors. Criminal Justice was specifically designated as one of the Association's program areas in 1973 when the Association, with the assistance of the National Council on Crime and Delinquency and funding from the Law Enforcement Assistance Administration (LEAA), developed project IMPACT. This four-year project was designed to enable Junior Leagues in the United States and Canada to effect positive changes in the criminal justice system and, ultimately, to reduce crime and delinquency.

As part of project IMPACT, Junior League members in 185 cities gathered data on the criminal justice system in their own communities. Delegates from all Leagues in the United States and Canada attended a four-day training institute in Houston to help them develop plans for mobilizing their communities for action in the area of criminal justice. The 150 projects generated as a result of project IMPACT utilized more than 3,000 volunteers and drew upon more than one and one-half million dollars in League funds. It is estimated that another seven and one-half million dollars in outside funding was generated by the expenditure of the League funds. Projects initiated under the IMPACT program included group homes, rape treatment centers, public education campaigns, jail counseling projects and volunteer recruitment.

Concern with young people involved in the juvenile justice system continues to be an Association priority. Juvenile justice is one of the five focus areas of the Association's five-year Child Advocacy Program. The child advocacy mission statement adopted by the Association includes a pledge to work toward the time when—

> each child will be removed from his or her natural home only when necessary and any child that is removed will be returned to his natural home or, when necessary, to another permanent home without unnecessary delay;
>
> each child who has committed a status offense will receive truly rehabilitative care and supervision;
>
> each child accused of committing an adult crime will receive a fair trial with the full rights and safeguards that an adult would receive; and
>
> each child, if incarcerated, will not be placed in humiliating, mentally or physically debilitating or harmful facilities, and no child will be placed in adult jails.

Junior Leauges in all parts of the country continue to support group homes, shelters for runaway youths, counseling services and advocacy councils. To illustrate the breadth of Junior League participation in the juvenile justice system, I would like to highlight a few local League programs.

Many Leagues have joined in the development of shelter and group homes for juveniles. Among those helping to establish 24-hour shelters for runaway youth or youth in crisis are two Ohio Leagues—Akron and Youngstown; three Connecticut Leagues—Greater Bridgeport, Greenwich and Hartford; and the Junior League of Odessa, Texas. Those Leagues initiating the development of group homes for adolescents or providing services at group homes include the Junior Leagues of Dayton, Ohio; Asheville, North Carolina; Huntsville, Alabama; Knoxville, Tennessee; Charleston, West Virginia; Lafayette, Louisiana; three New Jersey Leagues—Bergen County, the Oranges and Short Hills, and Elizabeth-Plainfield; and two Pennsylvania Leagues—Harrisburg and Lehigh Valley. Many of these shelters and group homes receive funding from LEAA/JJDP.

In Montana, sixteen members of the Junion League of Billings volunteer in Project Tumbleweed, which provides emergency foster care in 24 licensed foster care homes. This project is funded not only by the League but also by the U.S. Department of Health and Human Services and the United Way. The Junior League of Billings also is one of 20 community agencies participating in the Conference Committee, a project initiated by the Judicial Youth Court Judge and Youth Court Advocacy Committee in Billings to divert youth from the Youth Court. The Conference Committee, composed of a wide cross-section of ciltzens, conducts hearings weekly on cases of youths accused of misdemeanors.

In Texas, the Junior League of Dallas worked closely with the Dallas Independent School District and Dallas County Juvenile Department to develop Letot Academy, an alternative program for status offenders. The program provides both an alternative school and 24-hour individualized family crisis counseling, referral services and short-term emergency shelter. League volunteers took a lead role in helping to develop the program and obtaining the federal funds necessary to establish the academy. Thirty-nine League volunteers have served at the academy since the academy began operating 16 months ago. The

Junior League of Dallas provided $100,000 to develop the emergency shelter and $45,000 to pay the salary of a director of volunteers for three years. The project, which has a total budget of five and one-half million dollars, including funding from LEAA, has drawn volunteers from throughout the community, many of them retired older persons who receive training from the Junior League. Since it began, more than 300 youths have attended the alternative school and approximately 1,000 status offenders have received short-term emergency shelter.

In Denver, Colorado, the Junior League developed Juvenile Offenders in Need (J.O.I.N.), a program to provide funding, services and volunteers for the Denver Juvenile Court. J.O.I.N. is designed to relieve probation officers of many non-counseling tasks by having trained volunteers provide tutoring, transportation, recreation, clothing and referrals to doctors and dentists for youth who come before the court. The Junior League of Denver began the program in 1974 by providing $15,000 to pay the salary of a volunteer coordinator. More than 70 volunteers, including 12 League members, served the program. In 1978, with encouragement from the League, the state took over the funding of the program, and in February of this year the Department of Labor provided a grant to continue this program. Members of the Junior League of Denver continue to sit on the J.O.I.N. Board of Directors. Members of the Denver Junior League also have worked as volunteers with Project New Pride, a project that earned an exemplary rating from the National Institute of Law Enforcement and Criminal Justice and was picked for replication by OJJDP.

Since 1950, the Junior League of Indianapolis has contributed funds for a variety of juvenile justice programs, including the training of court workers, a professional survey of the Juvenile Center in Indianapolis and the renovation of a girls' dormitory at the Juvenile Center. In addition, League volunteers have worked at the Juvenile Court, the Juvenile Center and the Indiana Girls' School. Three years ago, the Junior League of Indianapolis joined forces with five other voluntary women's organizations to form the Coalition of Volunteer Advocates. The Coalition has provided advocacy training to residents of Marion County (Indianapolis). Now, concerned about the high detention rate for juveniles in Marion County, the Coalition is working to establish a Youth Advocacy Project that will mobilize community support for the development of alternative programs for juvenile offenders.

The Coalition also is working to re-establish the Youth Services Bureau which was closed in 1975. A member of the Junior League of Indianapolis serves on the Board of Directors established for the Youth Services Bureau. Three members of the Junior League of Indianapolis also are board members of the Indiana Juvenile Justice Task Force, a statewide voluntary organization established eight years ago to monitor juvenile justice activities in Indiana. The Indianapolis League pays for the cost of publishing the task force's monthly newsletter, The Happenings.

The advocacy efforts of the Junior League of Indianapolis are illustrative of the collaborative efforts in which many Junior Leagues engage to improve services to children. In North Carolina, for instance, the Junior Leagues of Raleigh, Greensboro and Winston-Salem have provided funds and volunteers to develop advocacy groups for children. Both the Greensboro Advocates for Children and Youth and the Winston-Salem Juvenile Justice Council have been involved with juvenile justice programs. The Wake Child Advocacy Council, initiated by the Junior League of Raleigh, has cooperated with the state's Governor's Advocacy Council in developing a proposal for Child Watch, a statewide advocacy program that will focus on juvenile justice, education and social services for children, particularly foster care.

In Florida, the Junior Leagues have been active in the development of the Florida Center for Children and Youth. The Leagues have contributed both money and volunteer support to the statewide organization since it was founded in 1976. The Florida Center, which also receives funds from LEAA, recently published Juvenile Injustice: The Jailing of Children in Florida, a report that documents the plight of children caught in the juvenile justice system in Florida.

The Association of Junior Leagues also works with other national organizations to develop alternatives to institutionalization. The Association is one of 22 national organizations participating in the Task Force of the National Juvenile Program Collaboration (NJJPC), a project under the auspices of the National Assembly of National Voluntary Health and Social Welfare Organizations that is funded by JJDP funds. The NJJPC's goal is to develop the capacity of national voluntary agencies and their local affiliates to serve status offenders and other youth at risk of institutionalization and to develop, through collaboration, community-based services as alternatives to detention and correctional institutions. The Junior Leagues of Tucson, Arizona, and Spartanburg, South Carolina, are active in the NJJPC programs in their communities, and the Junior League of Hartford, Connecticut, is a charter member of the Connecticut Justice for Children Collaboration.

Recommendations on S. 2441, S. 2442, S. 2434

The involvement of Leagues throughout the United States in these juvenile justice programs has made the Association deeply aware of the need for the continuation of the JJDP Act. The stimulus of federal funds and leadership is needed to provide communities with an opportunity to improve their juvenile justice system by developing alternatives to institutionalization and implementing delinquency prevention programs. We are pleased that all three bills before the Committee, S. 2441, S. 2442 and S. 2434, continue to emphasize deinstitutionalization of status offenders, mandate the maintenance of effort clause for juvenile delinquency programs as contained in Section 1002 of the Justice System Improvement Act of 1979 and encourage widespread citizen participation in juvenile justice programs. However, in line with our child advocacy mission statement, we urge that the bill mandate the removal of all juveniles from adult jails rather than merely continuing the prohibition against placing juveniles in facilities in which they have regular contact with adults who have been convicted of a crime or are awaiting trial on criminal charges.

We also oppose the proposal in S. 2441 that all funds made available under Section 1002 of the Justice System Improvement Act of 1979 must be used for programs "aimed at curbing violent crimes committed by juveniles." We support the clause in S. 2441 mandating that "the justice system should give additional attention to violent crimes committed by juveniles" because, as Senator Bayh pointed out in introducing the reauthorization of the legislation, the problem of the violent offender should be given increased emphasis. Those relatively few individuals cause a disproportionate amount of suffering and fear among the adult population, especially among the elderly. However, we oppose any proposal to earmark a certain percentage of funds for these programs. According to the FBI Uniform Crime Reports for 1978, only 3.5 percent of juveniles under the age of 18 who were arrested that year were charged with committing violent crimes. This is a very small percentage of the total number of juveniles charged with committing a serious crime. Moreover, this small percentage of youth is not distributed evenly throughout the country. Therefore, it does not seem wise to mandate that every state use its entire share of maintenance of effort monies on programs for youths who commit violent crimes. Local communities should be allowed to use the monies they receive in the manner in which they believe it will most effectively meet the goals of the JJDP Act.

We also oppose calling the reauthorization legislation the "Violent Juvenile Crime Control Act of 1979." We believe that the title "Juvenile Justice and Delinquency Prevention Act" is more compatible with the intent and purpose of the legislation. As Senator Bayh pointed out, "our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense." In addition, "the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble." We concur with Senator Bayh's assessment of the need for a Juvenile Justice and Delinquency Prevention Act and share his hope that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will be "an advocate for the families and youth of our states while at the same time protecting their human constitutional and legal rights." To change the name of the act to The Violent Juvenile Crime Control Act would detract from the stated purpose of the original JJDP legislation, while focusing undue attention on a small minority of youth.

We are pleased that S.2441 extends the reauthorization of the JJDP Act for five years and increases the yearly authorization for 1984 and 1985 for juvenile justice programs to $225,000,000 and Title III to $30,000,000. We much prefer this reauthorization and funding proposal to those in either S.2442, which extends the reauthorization for four years and sets the reauthorization at "such sums as are necessary," or S.2434, which also reauthorizes for four years and drops the yearly authorization for juvenile justice programs to $100,000,000 and maintains the Title XXX authorization at $25,000,000. We believe that the JJDP Act deserves a five-year reauthorization because it has proved its effectiveness in stimulating community-based alternatives to institutionalization for juveniles. Furthermore, we believe that constantly rising costs plus the growing involvement by states in the program create a need for a larger authorization which, hopefully, will be met by future appropriations committees.

We also are pleased that S.2441 gives the Administrator of OJJDP final authority over all juvenile justice programs. We believe that, to be accountable, one person must have final authority over the development and administration of programs. We are concerned, however, about the proposal to transfer any appropriated funds that are not obligated by OJJDP at the end of each fiscal year to programs funded under Title III (to be renamed the Runaway and Homeless Youth Act). Although we share the concern about the slowness in funding juvenile justice programs, we do not think that the proposal to switch funds between programs in two different departments is either practical or administratively sound. We believe that there must be a better way of developing incentives for the speedy allocation of appropriated funds.

Finally, we are pleased that Title III has been renamed the Runaway and Homeless Youth Act. We believe this addition to the title will help in focusing attention on those youth who are truly homeless. We also are pleased that Title III now includes language mandating the establishment of a national hotline to "link runaways and homeless youths with their families and with service providers."

In conclusion, we strongly support efforts to provide a focus and coordination for federal programs in juvenile justice. It is important that OJJDP be given the necessary resources and a high degree of visibility as it endeavors to provide leadership to those advocating for an improved juvenile justice system and to provide alternatives to incarceration for youths involved with the juvenile justice system. Thank you for this opportunity to present our views to the Subcommittee on the Constitution.

COALITION OF INDIAN CONTROLLED SCHOOL BOARDS.
Denver, Colo., April 28,1980.

Hon. SENATOR BIRCH BAYH,
Acting Chair,
U.S. Senate,
State Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR BAYH: Enclosed you will find four copies of the Coalition's written statement in support of the reauthorization of the Juvenile and Delinquency Prevention Act of 1974.

Should any questions arise regarding this matter, please feel free to contact me.

Sincerely,

JOSEPH C. DUPRIS,
Executive Director, CICSB, Inc.

Enclosure (4).

PREPARED STATEMENT OF THE COALITION OF INDIAN CONTROLLED SCHOOL BOARDS

The Coalition of Indian Controlled School Boards, Inc. (CICSB) is a community-based organization established to bring about control of Indian education by the Indian communities. Since its establishment in 1971, national membership of the Coalition has grown from four to over 200 member school boards, parent advisory committees, and Indian education groups.

The Coalition of Indian Controlled School Boards respectfully submits the following written statement in support of legislation to reauthorize the Juvenile Justice and Delinquency Prevent Act of 1974.

The fundamental goal of the Coalition is to improve educational practices for Indians by helping them make decisions in the educational processes that affect their children. A secondary goal is to keep Indian children in school. These goals are accomplished by providing a variety of services to the Indian community including technical assistance, collection and dissemination of information and consultation. The Coalition also conducts many federally and privately funded projects.

One of the Coalition's major projects is the American Indian Juvenile Delinquency Research Project which was implemented in January of this year. The project was funded by the Office of Juvenile Justice and Delinquency Prevention. Funding for the project was authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601. The Act authorizes grants to organizations: " . . . (1) to develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs; (2) to improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and (3) to develop and implement model programs and methods to keep students in elementary and secondary schools . . ." § 5634.

We at the Coalition believe that our Juvenile Delinquency Project best typifies the type of activity the framers of the Juvenile Justice and Delinquency Prevention Act wanted to develop.

The Coalition's Juvenile Delinquency Project has its roots in late 1977 when a number of Indian communities and Indian controlled schools called the Coalition requesting assistance in establishing juvenile delinquency prevention programs. The Coalition staff and board members responded by doing preliminary research on the problems of American Indian juvenile delinquency as it relates to Indian education. In completing this research they discovered a severe lack of data available on the subject. The lack of information induced the Coalition to develop a plan for a three year American Indian Juvenile Delinquency Research Project. The project will study the juvenile delinquency situation among American Indians nationwide. This will be the first attempt, ever, to conduct such research on such a large scale.

The Project objectives are:

1. To determine the extent of the American Indian juvenile delinquency problem and the factors that contribute to the problem; and, to determine if tribal and/or regional differences in the extent and causes can be identified.

2. To assess the existing juvenile justice system in relation to: The processing of first time and status American Indian juvenile offenders; and the extent to which the system effectively prevents juvenile delinquency among American Indian youth.

3. To compile the necessary research data and identify key resources for development of model juvenile delinquency prevent programs and model deinstitutionalization programs for American Indian youth.

News of the project was greeted with enthusiasm by American Indian tribes and organizations. The data generated by the project will benefit all American Indians and, hopefully, will create programs that will reduce the juvenile delinquency rate among Indian people.

The development and capacity building goals of the Act focus upon needs that are well known to the Coalition. Through both the assistance requests from Indian communities and the findings of the preliminary research we see that proven models, methods, approaches, and training efforts are not currently available at either the national or local levels to American Indians. The goals of the Act as amended, allow both national and local efforts. We definitely and firmly support the authorization of national and local efforts to develop model programs, methods, and approaches to preventing juvenile delinquency, and to increase the capability of national and local organizations to effectively provide services to troubled youth.

Our preliminary reseach uncovered no model programs for attacking American Indian juvenile delinquency problems. Our preliminary research showed that there are not even model methods or approaches suggested for attacking the problems. The Act provides for research and development of both models and approaches. We reaffirm the need for the research and development and support the Act's goals and programs.

Our preliminary research pointed out that American Indians are left out of juvenile justice training and capacity building efforts. The Act provides a mechanism for bringing tribes and Indian communities into such efforts. We reaffirm the need for training and capacity building programs for tribes and Indian communities and we support the Act's goals and programs.

There are 271 federally recognized American Indian tribes in the lower 48 states and 234 tribes and villages in Alaska. Each year more and more tribes are exercising Self-determination in regaining control of their own lands, laws, and services. But the advent of federally authorized Self-determination efforts (under P.L.

93-638) is only five years old, and tribal efforts in juvenile justice areas are almost brand new. Among the over 500 federally recognized tribal groups:

(a) Few have established youth advocacy programs;

(b) Few have established community based juvenile justice training programs; and,

(c) Few have even implemented Children's codes into tribal law as codified.

Because of the increasing number of Self-determination moves by tribes, more and more assistance for tribal efforts will be needed. Because of the lack of American Indian juvenile justice research and development data and the lack of available training and capacity building efforts, the need is currently unmet. The goals of the Act authorize programs to meet these needs and the calls from tribes for these programs are increasing. We, therefore, support reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
Reston, Va., April 15, 1980.

Hon. BIRCH BAYH,
Chairman, Senate Subcommittee on the Constitution,
Washington, D.C.

DEAR CHAIRMAN BAYH: Enclosed is the statement of The Council for Exceptional Children regarding the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 (S. 2441). The Council requests that this statement be included in the record.

Sincerely,

BARBARA J. SMITH, Ph. D.
Specialist for Policy Implemetnation.

Enclosure.

PREPARED STATEMENT OF THE COUNCIL FOR EXCEPTIONAL CHILDREN

We thank you for the opportunity to offer the views of The Council for Exceptional Children with respect to S. 2441, a bill to amend The Juvenile Justice and Delinquency Prevention Act of 1974. We take this opportunity to commend you, Mr. Chairman, and the Subcommittee for the attention this Act gives toward facilitating the treatment and prevention of delinquency. However, we bring to your attenion the urgent need to provide language in the Act which would facilitate appropriate services to exceptional troubled youth.

The Council for Exceptional Children is a national organization with a membership of approximately 65,000 professionals in the field of special education. One of the most fundamental ongoing missions of the Council, which has brought us to Capitol Hill on so many occasions through the years, is to seek continual improvement of federal provisions for the education of America's exceptional children and youth, both handicapped and gifted.

In our efforts to promote improved educational opportunities for exceptional students, the Council has become acutely aware of the incidence of educational and vocational special needs of the juvenile delinquent population. As you are probably aware, recent research efforts are evidencing an inordinately high prevalence of mental retardation, learning disabilities, and other handicapping conditions in the troubled youth population. Secondly, the few efforts to research the question of the prevalence of giftedness in the delinquent population have again reported a significant giftedness incidence rate. With the growing suspicion that school failure and frustration may contribute to delinquent behavior, the Council believes that the unusually high special educational needs of troubled youth must be addressed in this Act. To this end, we offer the following comments.

THE INCIDENCE OF SPECIAL EDUCATION NEEDS IN THE TROUBLED YOUTH POPULATION

Reports about the educational characteristics and the incidence of handicapping conditions among adjudicated youth have appeared at an increasing rate over the past two decades. Most of the studies have focused on the incidence of mental retardation and learning disabilities in this population.

Most investigations found a high prevalence (12 to 15 percent) of mental retardation among incarcerated youth as compared to an occurrence of 2 to 3 percent in the general population. Above average figures have also been reported for adjudicated youth with learning disabilities. Depending on the criteria used, between 30 and 50 percent of that population have been diagnosed as learning disabled. There is sufficient evidence to warrant the suspicion that the incidence of both mental retardation and learning disabilities occurs at a higher rate in the adjudicated population than in the population at large.

In a recent study of the number of handicapped youth in youth corrections facilities in the state of North Carolina, the following was found:

The number of mentally retarded youth in correctional facilities was approximately six times the number that can be expected from the general population.

Youth expected to have learning disabilities far outnumbered the national expected percentage.

The incidence of communication disorders such as speech and hearing impairments were twice that of the general population.

Students significantly behind in academic skills, including those considered handicapped by federal definition, totalled 89 percent.

A national study recently reported that 42 percent of the juvenile corrections population were handicapped. In the same study, the average incarcerated youth was found to be academically behind age peers by two to four years, and that 80 to 90 percent have not completed high school requirements. The Law Enforcement Assistance Administration (LEAA) reports that 34 percent of the juvenile corrections population is functionally illiterate. And, in contrast, researchers in Colorado report that while gifted youth may not be more likely to commit delinquent acts, they may, however, be represented at least in the same proportion as in the general population, and those who do become adjudicated evidence serious academic underachievement.

Thus, as you can see, Mr. Chairman, we are facing a serious problem. Namely, if academic failure may be associated with delinquent behavior, schools and correctional agencies must attempt to remediate the prevailing serious educational problems of troubled youth.

STATUS OF CURRENT SPECIAL EDUCATION PROGRAMS FOR TROUBLED YOUTH

Faced with this dilemma, The Council for Exceptional Children has begun to look at current special education services for troubled youth. Our preliminary conclusions are twofold:

The information on special education programs and services for troubled youth is surprisingly limited; and

The available information depicts a bleak picture of the current quality of programs.

The reasons for these facts are many. Education has not historically been a priority for corrections. Budget allocations for programs provide clear evidence to this fact. State education allocations for correctional programs are as low as 5 percent of the total budget. Secondly, education and correctional agencies have traditionally viewed their missions as quite different and separate, thus creating few opportunities or reasons for sharing expertise and resources. Right to treatment litigation efforts on behalf of handicapped incarcerated youth and research projects have consistently reported the following special education program inadequacies:

A serious lack of trained special education and related services personnel.

Inappropriate or insufficient educational evaluation and identification procedures for determining special education needs.

Failure to meet even the minimum federally mandated special education requirements.

Failure to plan cooperatively with education agencies for the transmission of relevant educational information both when the student leaves the public school arena and upon return.

Both educational and corrections agencies are becoming acutely aware of the deficits in providing services to handicapped troubled youth. Dr. Ira Schwartz, Director of the federal Office of Juvenile Justice and Delinquency Prevention, recently stated that in meetings with state corrections and human resources administrators, both groups identified services to the handicapped offender as areas of high priority. Education officials, likewise, in part to meet federal educational mandates, are beginning to bridge the gap between their agencies and corrections by initiating liaison efforts and offering technical assistance and training activities.

FEDERAL SPECIAL EDUCATION REQUIREMENTS FOR CORRECTIONS

The Education For All Handicapped Children Act of 1975 (Public Law 94–142), amending Part B of the Education of the Handicapped Act, mandates a free, appropriate public education for all handicapped children, regardless of what agency is serving them. Thus, correctional facilities are mandated to provide appropriate special education services, and in fact, corrections agencies are specifically mentioned in the implementing regulations for Public Law 94–142:

Public agencies within the State. The annual program plan is submitted by the State educational agency on behalf of the State as a whole. Therefore, the provisions of this part apply to all political subdivisions of the State that are involved in the education of handicapped children. These would include: (1) The State educational agency, (2) local educational agencies and intermediate educational units, (3) other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for the deaf or blind), and (4) States correctional facilities. (45 CFR § 121a.2(b), August 23, 1977).

The current status of special education programming in correctional facilities as discussed above, presents serious compliance implications. In brief, these issues include:

State education agencies are responsible for assuring that all handicapped students receive appropriate education, thus requiring new levels of interagency cooperation and agreement between education and correctional agencies.

Development and implementation of individualized education programs (IEP's) requires that all educational and related services needed by handicapped youth be delivered. Included will be many services not previously provided in correctional settings.

Services for handicapped students are to be provided in the least restrictive environment (LRE), but by their very nature correctional facilities are restrictive and typically have offered few alternatives.

Procedural safeguards, guaranteed under Public Law 94–142, provide the adjudicated handicapped youth with a process for challenging the correctional facility if it fails to provide an appropriate education. At the very least, issues related to the appointment of educational surrogate parents and impartial hearings are new policy areas for correctional institutions.

The law requires that any placement or change in educational placement should be based on the student's written Individualized Education Program (IEP). Educational decisions made at the correctional facility and at the school the student attends upon release should be based on what is recommended in the IEP. This will require considerable cooperation between the public schools and the correctional facility.

Public Law 94–142 specifies that handicapped students receive services from qualified personnel. This requirement has implications for personnel development programs in the field of youth corrections work.

Efforts to bring correctional educational programs into compliance with Public Law 94–142 are underway. States are initiating cooperative agreements between correctional, educational, and other state agencies in order to provide quality special education and related services to handicapped youth in correctional facilities. However, there is a great need for guidance in order to remediate the current program inadequacies.

RECOMMENDATIONS

In light of the evidence that a large percentage of the delinquent population possesses educationally handicapping conditions. The Council for Exceptional Children strongly recommends provisions which directly speak to these special needs, including:

The inclusion of special education in the definitions of "community based" program (Sec. 103(1)), and "treatment". (Sec. 103(13))

The recognition of the benefit of having individuals to serve on the National Advisory Committee and in state plan development who have knowledge about the needs of the handicapped students. (Sec. 207(c)) (Sec. 223(a)(3)(B))

The inclusion of special education projects as eligible for funding for the development of advanced techniques in the prevention and treatment of delinquency. (Sec. 223(a)(10)(A))

The expansion of scope to include all federally recognized handicapping conditions, i.e., change Sec. 224(a)(11) to read ". . . relating to juvenile delinquency and handicapping conditions . . ." and Sec. 223(a)(15) to read ". . . minority youth and handicapped youth . . ."

The amendment to include training on all (as opposed to only learning disabilities) handicapping conditions and appropriate services for on-the-job training programs for law enforcement and juvenile justice personnel (Sec. 223 (a)(10)), as well as local runaway and homeless youth center personnel (Sec. 311).

Amending Sec. 206(a)(1) to reflect recent reorganization, i.e., Secretary of the Department of Education and Secretary of the Department of Education and Secretary of the Department of Health and Human Services.

The inclusion of the Assistant Secretary for the Office of Special Education and Rehabilitative Services, Department of Education, as a member of the Coordinating Council. (Sec. 206(a)(1))

The Council further recommends:

To define "handicapped" in accordance with P.L. 94–142 (EHA, Part B) for provisions concerning the education of handicapped students:

> mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services. (Sec. 4)

By adopting the EHA definition, Congress will facilitate consistent reporting requirements between OJJDP and the Department of Education, which requires an annual count from all agencies, based on this definition. The assessment and identification procedures are subject to the evaluation safeguards as defined in P.L. 94–142 (Sec. 612(5)).

Second, for issues or services not related to education, a definition of handicapped should be in accordance with Section 504 of the Rehabilitation Act of 1973 which governs all programs and activities receiving or benefitting from federal financial assistance. In § 84.3(J) of the governing regulations, the § 504 definition of handicapped is:

> "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Again, conforming the definition of handicapped to current federal definition with which correctional agencies must comply, facilities simplified recordkeeping and procedural consideration.

Mr. Chairman, we offer our deepest appreciation for this opportunity to present our concerns regarding the special education needs of trouble youth. To this end, The Council for Exceptional Children offers all its informational resources to the Subcommittee to better provide for America's handicapped troubled youth.

National Association of Social Workers, Inc.,
Washington, D.C., April 28, 1980.

Senator Birch Bayh,
Chairman, Subcommittee on the Constitution of the Judiciary Committee,
Washington, D.C.

Dear Mr. Chairman: The Juvenile Justice Delinquency Prevention legislation that is before your committee for consideration is very important to social welfare planning. This is the only federal legislation that directly addresses the adolescent community of our society and their families. Public programs such as state social services, public welfare, and child protective agencies are greatly influenced by it.

We believe that during the past six years the Act has had great influence on social planning, a range of proper services for children resulting in the determent of entry into the juvenile justice system; the ability of communities to offer many alternatives outside the juvenile justice framework; the expansion of expertise and resources of the community to deal with the juvenile delinquency problem in their area; and federal leadership have been target areas of largely successful efforts. Intense continued work needs to be maintained in these areas for a sustained effect on the social welfare of the nation.

The national priority which this Act reflects in the late 1970's ought to be demonstrated in the 1980's and its implementing agent, the Office of Juvenile Justice Delinquency Prevention, needs the same opportunity. In order for the

Office to operate with its own sense of purpose and urgency, a separation from LEAA should be made with equal status under OJARS givens. More visibility, autonomy, and independence for the Office would promote more emphasis on the program than is presently given. The trend for the 1980's should be set by providing for the Office to be completely responsible and accountable for its efforts.

NASW heartily supports your reauthorization proposal of five years with $200 million for fiscal year 198,-1983 and $225 million for fiscal year 1984-1985. This would ensure the continuation of a vital program and reaffirm Congress' original commitment to juvenile justice. It would also afford OJJDP the chance to demonstrate its accomplishments and accountability.

Deinstitutionalization of status offenders from adult jails and secure facilities is very important for the adolescent, especially the minority adolescent. There is a disproportionately high percentage of minority youth who enter and move further into the system than other youth who commit similar offenses. The negative concepts associated with youth incarceration as well as the physical and psychological abuses incurred need to be curtailed. Therefore a time limitation of five years for states to comply 100 percent in this area should be adopted with an extension of two additional years for states that have achieved a 75 percent or better level of deinstitutionalization of their facilities.

In addition to this, more attention should be paid to community based treatment and less emphasis should be placed on the violent crime segment which the present senate legislation addresses. The adolescents who commit serious and violent crimes are a small number of the total adjudicated population.

The ideal is still for adequate services available in all communities, including rural underserved areas. For families in trouble, there should be individual and family counseling available, establishment of family courts, psychiatric services and placement of children outside their homes when required.

NASW and its 87,000 members of the social work community welcome the opportunity to support this legislation and advance what we hope will be a renewed role for federal leadership in aiding troubled youth.

Sincerely,

CHAUNCEY A. ALEXANDER,
Executive Director.

THE NATIONAL CENTER FOR JUVENILE JUSTICE,
Pittsburgh, Pa., March 27, 1980.

Ms. MARY K. JOLLY,
U.S. Senate Judiciary Committee, Constitution Subcommittee, Dirksen Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: Please find enclosed 100 copies of "Special Report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System, 1975-1977" for your information.

Sincerely,

DANIEL D. SMITH,
Associate Director.

Enclosures.

A SUMMARY OF REPORTED DATA CONCERNING YOUNG PEOPLE AND THE JUVENILE JUSTICE SYSTEM, 1975-1977

Prepared for the Office of Juvenile Justice and Delinquency Prevention

(By Daniel D. Smith, Associate Director, National Center for Juvenile Justice)

INTRODUCTION

This report has two general purposes. First, it is intended to present reported data summarizing current information on the following: the characteristics of youth processed by the nation's courts, transactional statistics regarding the operation of the system, and significant trends for the years 1975 through 1977. Second, this paper makes recommendations concerning the future generation, processing, and use of relevant information.

The data used for this analysis came from four sources. The first source was *Juvenile Court Statistics, 1974*, written by Jacqueline Corbett and Thomas Vereb, produced by the National Center for Juvenile Justice, and published by the National Institute for Juvenile Justice and Delinquency Prevention (Office of Juvenile Justice and Delinquency Prevention). This document consists of a summary report presenting estimates of the nation's processing of juvenile cases through courts with juvenile jurisdiction. The second source consisted of published and to-be-published estimates of delinquency cases and transactional statistics regarding the courts' processing of youth. Included in this second source was *Delinquency, 1975, United States Estimates of Cases Processed by Courts with Juvenile Jurisdiction*, by Daniel D. Smith, Terrence Finnegan, Howard Snyder, and Jacqueline Corbett, a report published by the National Center for Juvenile Justice in August, 1979. In addition, two other documents were utilized; *Delinquency, 1976* and the preliminary draft of *Delinquency, 1977*, scheduled to be published in April, 1980. The third major source of information for this paper consisted of a special analysis of actual records that were used as a basis for generating national estimates. Finally, the fourth source of information was the FBI's *Uniform Crime Report* for the years 1975 through 1977.

The courts' statistical information presented in this report represents cases processed by courts with juvenile jurisdiction. In this context, a "case" is defined as a youth referred to the court on a new referral. Thus, the term "case" does not necessarily refer to one youth, nor does it represent events or incidents of unlawful behavior.

Rates are developed by relating youth characteristics and/or system transactions to an external information base. In developing rates, the National Center for Juvenile Justice uses "youth population at risk," the number of young people from age 10 to the upper age of the courts' jurisdiction. Rates will prove invaluable in isolating real changes or net changes in trends by holding population constant.

EXECUTIVE SUMMARY

This section summarizes information regarding United States youth and the juvenile justice system. It is divided into two primary sections: information from court statistics and information from law enforcemnt agencies as reported in the *FBI's Uniform Crime Report*.

Court Statistical Information

Since 1957 there has been a gradual increase in the rates of young people being processed by juvenile courts. In the five years prior to 1975, rates for delinquency cases disposed of by juvenile courts increased by 15.2 percent.

From 1975 to 1977, rates for delinquency cases disposed of by juvenile courts increased by 0.2 percent. (Because of methodological differences in the way estimates were developed prior to 1975, comparisons of rates for purposes other than trending are not advised.)

Between 1975 and 1977, the number of actual cases processed by the courts decreased by 3.6 percent from 1,406,100 in 1975 to 1,355,500 in 1977. During this same period, youth population at risk decreased by 3.8 percent. The difference between these two major numbers explains the slight rate increase of 0.2 percent from 1975 to 1977.

Detention was used an average of 21 percent of the time for all cases processed by the courts from 1975 to 1977.

There was a rate decrease of 6.8 percent in the use of detention from 1975 to 1976.

There was a rate decrease of 7.8 percent in the use of detention from 1976 to 1977.

There was an overall rate decrease of 14.08 percent in the use of detention from 1975 to 1977.

From 1975 to 1977, the following rate changes were found for reasons for referral:

	Percent
Crimes Against People	−7.6
Crimes Against Property	+12.3
Drug and Alcohol Offenses	−16.9
Status Offenses	−18,2
Other Offenses	+15.8

Referrals from law enforcement agencies represent 82 percent of the total referrals to juvenile courts. There were no meaningful changes in the trends regarding source of referral.

From 1975 to 1977, there was a decrease of 31.4 percent in the rate of cases involving youths having one or more prior referrals for the current year.

During this same period, there was an increase of 18.6 percent in the rate of cases involving youths who had had one or more prior referrals in previous years.

Rates reflecting the use of probation show a drop of 8.16 percent for 1975 to 1977. During the same period, no meaningful difference was observed for the use of delinquent institutions.

The ratio of cases involving males and females remained constant for the years 1975 through 1977: the male-female ratio was 76 percent to 24 percent.

Court statistics show that as young people increase in age, the likelihood of their involvement in the court increases markedly. For example, a person 17 years of age is almost four times more likely to be processed by the courts than a person 13 years of age.

The total number of status-offense cases has dropped each year since 1975. For instance, in 1975 there were an estimated 355,600 status-offense cases listed under "reason for referral." In 1976, that number dropped to 320,500, a decrease of 9.9 percent. Again, it dropped in 1977 to 280,000 for a total decrease of 21.3 percent. As a function of rates, a decrease of 18.2 percent was observed.

Females are more likely to be referred to courts as status offenders than are males. (A total of 46 percent of all offenses involving females were for status offenses, while 16.3 percent of all offenses involving males were for status offenses.)

The most significant reason for a decrease in detention was the decrease in status-offender detention. For 1975, a total of 116,000 detentions involved status offenders. In 1976, this number of 103,000; in 1977, the figure was 59,000. Thus, detention of status-offender cases decreased by 49.4 percent from 1975 to 1977. The rate of status-offender detention from 3.79 to 1.99 cases per 1,000 youths for a decrease of 47.5 percent.

A total of 57 percent of all cases processed in 1977 involved individuals with no prior referrals to juvenile courts; conversely, 43 percent of the cases involved young people who had had one or more prior referrals.

An examination of race reveals that 72 percent of all cases involved whites, 20 percent involved blacks, and 8 percent involved members of other racial minorities (Hispanics, Mexican Americans, American Indians, and so forth). Accurate population figures for youths according to racial classifications are not available from the U.S. Bureau of the Census because of the vague nature of its dichotomous white-black racial categorization. For this reason, rates involving races cannot be developed. This situation is unfortunate because if rates were available, the overall picture would be considerably clearer with regard to the variable of race. However, in the absence of rates, percentages must be employed.

Members of racial minorities (including all non-white groups) who are processed by the courts have different demographic characteristics than do their white counterparts—for example, age, sex, reason for referral, and number of prior referrals.

Members of racial minorities are processed by the courts differently than their white counterparts.

Holding constant the reason for referral, members of racial minority groups still are processed differently than white youths.

Members of racial minorities ages 10 through 14 are more likely to be processed than their white counterparts within the same age range. (A total of 86.2 percent of all cases involving minorities were referred by law enforcement agencies, while the comparable figure for whites was 82.9 percent.)

Minorities are much more likely than whites to have had prior referrals. (A total of 55.1 percent of all cases involving minorities were comprised by individuals with one or more prior referrals; for whites, the figure was 40.5 percent.)

Minorities are much more likely than whites to have had prior referrals during the current year (While 53.2 percent of all cases involving minorities fell into this category, the figure for whites was only 24.1 percent.)

Minorities are more likely than whites to be detained; however, within the detained category, whites are more likely to be detained in jails and police stations. (A total of 26.0 percent of all cases involving minorities resulted in detention; and for whites, the figure was 22.6 percent. Use of jail or police station detention was 3.2 percent for whites and 2.2 percent for minorities.)

Minorities are more likely than whites to be charged with crimes against people. (A total of 16.3 percent of all cases involving minorities were for crimes against persons. For whites, 6.4 percent of the cases involved crimes against persons.)

Minorities are more likely than whites to be processed with a petition. (Minority cases were handled with a petition 48.9 percent of the time, and white cases were handled with petition 42.5 percent of the time.)

Minorities are more likely than whites to receive a disposition of "case dismissed." (While 52.0 percent of minority cases were dismissed, 49.1 percent of white cases were dismissed.)

Minorities are more likely than whites to be institutionalized. (Although 6.2 percent of all minority cases resulted in institutionalization, only 4.0 percent of all white cases had this result.)

Cases involving whites are likely to be processed more quickly than cases involving members of racial minorities. (Although 59.0 percent of cases involving whites are handled within one month, only 49.2 percent of cases involving minorities are handled within one month.)

Holding constant the reason for referral, a member of a racial minority is still more likely to be detained than a white:

[In percent]

	White	Minority
Crimes against persons	24.0	29.1
Crimes against property	18.3	22.0
Drug and alcohol offenses	20.4	25.6
Status offenses	33.8	39.7

For crimes against persons, minority groups are more likely than whites to be institutionalized:

[In percent]

	Disposition [1]			
	White		Minority	
	P	I	P	I
Crimes against persons	5.7	10.0	15.9	25.2
Crimes against property	46.1	49.4	50.2	47.3
Drug and alcohol offenses	9.4	5.3	6.9	3.6
Status offenses	25.3	15.7	14.4	9.1

[1] In this table, "P" represents a disposition of probation, and "I" refers to institutionalization. This table should be read as follows: For crimes against persons, 5.7 percent of all cases involving whites resulted in probation, while 15.9 percent of all cases involving minority members resulted in probation.

The frequency of the use of jails and police stations as means of detention decreased from 80,516 in 1975 to 46,876 in 1977, for a 41.8 percent decrease. For the same years, the rate decrease in the use of jails and police stations was from 2.61 to 1.59, for a decrease of 39.1 percent.

The use of detention homes as a means of detention increased from 132,571 in 1975 to 165,020 in 1977, representing a 24.5 percent change. The rate of detention in detention homes increased by 34.1 percent; for 1975 the rate was 4.31, and for 1977 it was 5.28.

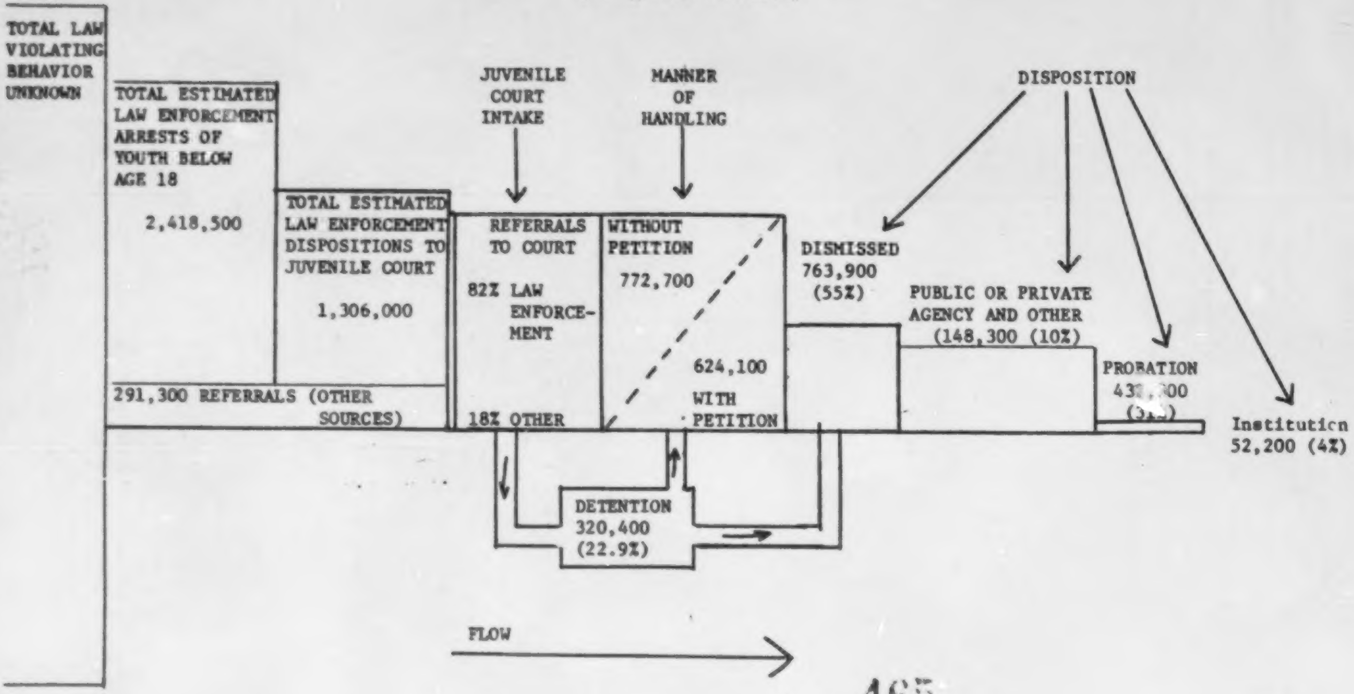
FBI Law Enforcement Information

The *Uniform Crime Report* is the most widely known and accepted index of crime in the United States.

Figures presented by the FBI in this report are reasonably consistent with court data and represent the courts' perspective when consideration is given to the fact that approximately 53 percent of all police arrests result in referral to a juvenile court. The vast majority of the remaining arrests (38 percent) are handled within police departments, while the remaining number are referred to criminal courts (4 percent), welfare agencies (3 percent), and other police agencies (about 2 percent).

The *UCR* figures most frequently available to the media, politicians, and citizens do not reflect an accurate picture of the true nature of juvenile delinquency in the nation's courts. These figures represent total arrests of youths below the age of 18 and to take into account subsequent law enforcement disposition of the cases. The pictorial diagram on the following page shows the approximate flow of cases from police arrest to final dispositions of delinquent institutions.

THE PROCESSING OF YOUTH THROUGH THE JUVENILE JUSTICE SYSTEM
(Using Data for 1976)


TOTAL LAW VIOLATING BEHAVIOR UNKNOWN
TOTAL ESTIMATED LAW ENFORCEMENT ARRESTS OF YOUTH BELOW AGE 18
2,418,500
TOTAL ESTIMATED LAW ENFORCEMENT DISPOSITIONS TO JUVENILE COURT
1,306,000
291,300 REFERRALS (OTHER SOURCES)
JUVENILE COURT INTAKE
REFERRALS TO COURT
82% LAW ENFORCEMENT
18% OTHER
MANNER OF HANDLING
WITHOUT PETITION
772,700
624,100
WITH PETITION
DETENTION
320,400
(22.9%)
DISPOSITION
DISMISSED
763,900
(55%)
PUBLIC OR PRIVATE AGENCY AND OTHER
(148,300 (10%)
PROBATION
43[illegible],[illegible]00
(3[illegible])
Institution
52,200 (4%)
FLOW

RECOMMENDATIONS

Accurate, detailed information is essential for understanding problems and seeking solutions to these problems. Fortunately, the field of juvenile justice has a great opportunity to make major advancement in the collection and processing of information because the necessary technology is available, and feasibility has been established. Now what is required is a commitment on behalf of the federal government to make accurate, reliable information available in a timely manner.

With this idea in mind, the following recommendations are offered:

1. The OJJDP should make a commitment to the collection and reporting of a minimum, uniform level of statistical information.
2. The collection and reporting of information should be made mandatory for all states.
3. States should be allotted a specified period of time (perhaps five years) to achieve compliance.
4. The OJJDP should provide ample funding and technical assistance to accomplish this objective.
5. Through its National Institute, the OJJDP should explore all potential avenues for the use of information, including the following:

Locating, developing, and transferring technology—for example, planning, allocation of resources, development of decision models, court calendaring and docketing, modeling and simulation, development of forecasting models, and conducting operational research.

Using information for evaluation in special areas of emphasis.

The impact of utilizing this course of action will result in a long-range commitment to system change and improvement. Importantly, it will make possible more accurate planning and better management of resources. In addition, it will satisfy evaluation requirements and will eliminate some forms of research in favor of new avenues with more predictable impact.

NATIONAL COLLABORATION FOR YOUTH,
Washington, D.C., March 11, 1980.

Hon. BENJAMIN R. CIVILETTI,
Attorney General of the United States,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Recently, it has come to our attention that the Law Enforcement Assistance Administration fiscal year 1981 budget request may be cut as much as $135 million or more. In light of this possible budget cut, the National Collaboration for Youth is concerned about those monies directly related to the "maintenance of effort" provision of the Juvenile Justice and Delinquency Prevention Act.

In Part F—Administration Provisions—Section 520(b) of the Juvenile Justice and Delinquency Prevention Act it states that "the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs." This percent for fiscal year 1980 represents approximately 80 million dollars.

The "maintenance of effort" funds have been used by the states largely to meet the deinstitutionalization of status offender and adult/youth offender separation requirements of the Juvenile Justice Act. The hope of many, given the progress among the states in these regards, is that maintenance of effort funds starting with fiscal year 1981 can be earmarked for programs for juveniles committing serious offenses.

In any event, a substantial reduction or elimination of maintenance of effort funds would represent a lethal blow to the intent of Congress in enacting the Juvenile Justice Act and the implementation progress that has been made. If Federal funding to the states for juvenile justice and delinquency prevention is reduced to just the formula grant allocations from the Office of Juvenile Justice & Delinquency Prevention, it is doubtful that very many states will continue to participate under the Juvenile Justice Act. Such an outcome would be tragic.

We urge you and the Administration to be sensitive to these considerations as the fiscal year 1981 budget request is reexamined.

Sincerely,

WALTER SMART,
Chair, Executive Director,
United Neighborhood Centers of America, Inc.

Prepared Statement of the National Association of Counties

The National Association of Counties[1] is opposed to eliminating the Law Enforcement Assistance Administration and Office of Juvenile Justice and Delinquency Prevention through the budgetary process. NACO supports the goal of reducing expenditures, but we believe this goal can be achieved through selective cuts and outlay reductions which would permit the programs to survive. If you adopt NACO's recommendations, outlined later in this statement, many of the goals set by the Justice System Improvement Act that reauthorized the LEAA program for four years last December could be achieved.

Of all the programs scheduled for budget reductions by the House Budget Committee, LEAA is the only agency in the Federal Government to be virtually eliminated. Moreover, the Congress and the administration just completed a two-year reauthorization process for LEAA. During that time, the Senate Judiciary Committee did a thorough evaluation of LEAA and found that Federal criminal justice assistance meets important needs of State and local governments. It made changes in LEAA to address criticisms of the program and reported to the Senate that the program should be reauthorized. Based on the committee's analysis the Senate, in its wisdom, voted by a wide margin to reauthorize LEAA.

The closely related issue of whether to reauthorize the Office of Juvenile Justice and Delinquency Prevention now is being considered in the Judiciary Committee. The committee is hearing testimony from witnesses, ranging from juvenile court judges to youth advocates and from Federal, State and local officials, praising the accomplishments of the juvenile justice program and recommending that it be continued. Eliminating OJJDP through budget cuts, at a time when the legislative mandates of deinstitutionalizing status offenders and separating children from adults in jail are close to being achieved, would be a significant breach of faith by Congress. Killing the program also would repudiate the overwhelming bipartisan majorities which have passed and reauthorized the Juvenile Justice Act twice since 1974.

For the Budget Committee to negate the extensive work done by the Judiciary Committee and to contravene the expressed will of the Senate is, in NACO's view, a perversion of the legislative process.

If the goal of Congress is indeed to reduce outlays—an issue for the Appropriations and Budget Committees, and not to kill the program—an issue for the Judiciary Committee, then NACO would appreciate your serious consideration of our recommendations.

METHODS FOR REDUCING LEAA OUTLAYS IN FISCAL YEAR 1981

NACO proposes that LEAA be required to adopt the following three-part strategy to reduce its outlays in fiscal year 1981 by at least $104 million.

1. Delay submission of fiscal year 1981 formula, national priority and discretionary grant applications for a fiscal quarter, so that the first awards are not made until January or February 1981.

2. Adjust the policy for use of funds: now they can be spent over a three-year period—the award year plus two. Change this to allow expenditures over a four-year period—the award year plus three.

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[1] The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county governments. The goals of the organization are: To improve county government; to serve as the national spokesman for county governments; to act as a liaison between the Nation's counties and other levels of government; and to achieve public understanding of the role of counties in the Federal system.

3. Negotiate, on a State-by-State basis, agreements to reduce fiscal year 1981 outlays. States with significant amounts of unawarded funds should be asked to formally agree to slow the distribution of these funds.

PROPOSED CUTS IN THE FISCAL YEAR 1981 BUDGET

NACO recommends the following cuts in LEAA's fiscal year 1981 budget. They would reduce outlays by $20.6 million, in addition to the reductions achieved by taking the steps listed above.

	Million
Formula Grant program (retains fiscal year 1980 level which was a $100 million reduction from fiscal year 1979)	−$ 58
National Priority and Discretionary Grant program (maintains Congressional mandated ratio with formula grant program)	− 15
Office of Juvenile Justice and Delinquency Prevention (reduces program from fiscal year 1980 level, but the cut would not seriously damage the program, because there has been a slow outlay of funds)	− 25
Office of Community Anti-Crime programs (eliminates increase over fiscal year 1980)	− 5
Total reduction in budget authority	−$103

IMPACT OF ELIMINATING LEAA

The $104 million reduction in outlays that would be achieved by eliminating LEAA and OJJDP represents only 0.6 percent of the total $16.5 billion cut in Federal spending recommended by the Budget Committee. This contribution to balancing the budget is minimal, and yet the Budget Committee recommendation, if approved, would have an immediate and devastating effect on State and local governments.

Intergovernmental cooperation and criminal justice coordination, perhaps the most significant contribution of the LEAA program, would be disrupted.

Many successful programs funded by LEAA—career criminal prosecution, statewide court reform, improved management, training of court and law enforcement professionals, anti-fencing projects, victim-witness assistance—would be cut-off from continuation funding prematurely and others would be curtailed.

At least 40,000 persons would lose their jobs. Of these, approximately 40 percent would be youth workers. Young people who are now in community based facilities would have to be transferred to jails or released into the community.

No new applications for innovative programs would be developed or accepted after the program termination is announced. The opportunity for discovering new methods for improving the criminal justice system and controlling crime would be lost.

Efforts to remove status offenders from secure detention facilities and to separate juveniles from adults in adult correctional facilities would be undermined. As a condition of receiving assistance from OJJDP, 52 States and territories have agreed to take these steps. Of the 37 States required to remove 75 percent of the status offenders in secure detention in 1974, 34 have accomplished the goal. In the next two years all States participating in the juvenile justice program must reach 100 percent deinstitutionalization.

Even if OJJDP is funded at the $100 million level proposed by President Carter in early January, any substantial cut in LEAA's fiscal year 1981 budget would have a severe negative, if not fatal, impact on the juvenile justice program.

We have three reasons for this assessment: First, 19.15 percent of the funds appropriated for LEAA must be devoted to juvenile justice and delinquency prevention programs. If LEAA is eliminated, there would be about $74 million less available for these programs. Second, the Juvenile Justice Act formula grant program is administered by the State criminal justice councils (formerly State planning agencies), most of which could not function without LEAA funds. While States may use up to 7.5 percent of their Juvenile Justice Act funds for planning, monitoring and administration, most juvenile justice specialists depend upon the State criminal justice council apparatus to assist them in their work. And, third, OJJDP's administrative budget is not a part of its appropriation, rather, it comes from the administrative budget of LEAA. If LEAA receives no money, there would be no funds to administer the Office of Juvenile Justice and Delinquency Prevention.

THE NATIONAL ASSOCIATION OF CRIMINAL JUSTICE PLANNERS,
April 15, 1980.

Ms. MARY KAAREN JOLLY,
Staff Diretcor and Counsel, Subcommittee on the Constitution, U.S. Senate, Washington, D.C.

DEAR MARY: Enclosed are two copies of written testimony of Charles D. Weller, Chairperson of the Association concerning the JJDP Act reauthorization legislation to be entered into the record and for the Subcommittee's consideration.

On behalf of the Association, I wish to thank you for your interest and cooperation in requesting testimony.

Sincerely,

MARY SHILTON,
Assistant Director.

Enclosures.

PREPARED STATEMENT OF CHARLES D. WELLER

On behalf of the National Association of Criminal Justice Planners, I am pleased to provide to you the Association's comments on reauthorization of the Juvenile and Delinquency Prevention Act.

The National Association of Criminal Justice Planners is a professional organization that represents local and regional governments through local and regional criminal justice planners. The Association also includes such members as court administrators, line agency police planners and academic professionals.

Our Association is committed to advancing the performance of planning at all levels in the field of criminal and juvenile justice, and is engaged in assisting planners in areas such as crime and data analysis, evaluation skills and techniques, and examination of strategies that are employed in implementing changes in agency operations.

Many of the Association's members have been involved in planning for youth programs made possible by the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act. The Association endorses the reauthorization of this Juvenile Justice legislation which has contributed to substantial improvements in the Juvenile Justice System during the past years. However, the Association is concerned with the following issues which are addressed for the Committee's consideration.

1. AMENDMENT OF SECTION 223(a)(10)

Sec. 223(a)(10) provides that a percentage of funds made available to a state under the JJDP Act shall be used for advanced techniques in developing, maintaining, and expanding programs to prevent delinquency, divert juveniles from the juvenile justice system and provide alternatives to and within the juvenile justice system. Although this provision would appear to be sufficiently general to facilitate the funding of a wide variety of projects and programs, this section also includes a list of "advanced techniques" which may be interpreted to exclude programs for youth gang members, violent or chronic youth offenders and youth committing serious crimes.

In order to clarify the "advanced techniques" provision and to permit funding of programs for serious juvenile offenders, it is suggested that this provision be amended to include programs for violent, chronic, and serious offenders.

It is also recommended that this provision should encourage states to focus on programs within agencies and organizations which have the legal responsibility for addressing juvenile delinquency specifically, the police, courts, corrections, probation, schools and human service agencies—public or private. The overwhelming proportion of juvenile cases are dealt with at the community level. While there may be problems surrounding the institutionalization of juveniles, there are other equally important problems confronting institutions serving youth. For example, schools must find ways to deter truancy, violence and vandalism. These problems also affect the police, courts, and probation offices.

Strategies need to be developed and implemented to deal with overall problems and specific cases. The public has become more concerned about violence perpetrated by youth especially in those cases where the elderly are attacked.

These concerns need to be addressed in order to assure that response mechanisms, other than institutionalization of violent youth, can be developed. Deinstitutionalization cannot be fully implemented without such programs. The reauthorization legislation should be amended to make possible a wider range of youth programs.

2. RETAINING A NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION (NIJJ)

There is a need to devote greater attention to assessing the effectiveness of treatment and control of juvenile justice offenders. There is also a need to have a coordinating center for the collection, preparation, and dissemination of data, and for the training of persons involved in the juvenile justice system. These functions have been performed by the NIJJ in the past, and the Association favors retention of a separate NIJJ in the legislation.

Separation of the research from the grant functions will encourage more rigorous independent assessments of juvenile justice programs. The Association believes that the NIJJ should be directed to emphasize assessing the impact of the JJDP program not only on juvenile but also on the agencies serving juveniles.

3. REPRESENTATION OF LOCAL MEMBERS ON THE NATIONAL ADVISORY COMMITTEE FOR JUVENILE AND DELINQUENCY PREVENTION

The Association recommends that ten of the twenty-one regular members of the National Advisory Committee should be members of local juvenile delinquency councils. This provision would assure that the city and county perspective would be represented on the Committee. It would also assure input from members of juvenile delinquency councils which are engaged in the improvement of juvenile programs at the local level.

The Association feels strongly that every effort should be made to engage local programmatic and appointed and elected officials in the National Advisory Committee process.

In keeping with our foregoing comments, it is imperative that the JJDP program bring its focus back to local and state agencies responsible for implementing changes in the juvenile justice system. This re-direction cannot be accompanied without more local participation at the national policy level.

4. MEMBERSHIP OF STATE ADVISORY GROUP

The Association recommends that the State Advisory Group should be required to have elected or appointed representatives of localities who are nominated by their jurisdiction. It is also recommended that the Act be revised to permit elected officials to chair a State Advisory Group. Similarly, guidelines issued under the JJDP Act should permit the Chairman of the State Advisory Group to either be or not be a member of the State Criminal Justice Council. These recommendations are made to permit State Advisory Groups to encourage full involvement of elected and appointed officials who are members and to eliminate unnecessary restrictions on the type of person who may chair the State Advisory Group.

5. RUNAWAY YOUTH ACT (RYA)

The Association endorses the concept of the Runaway Youth Act but recommends that the responsibility for the program be assigned to OJJDP under a title of the JJDP Act. The consensus of our members is that administration of the RYA by the Department of Human Resources (HEW) has made it difficult, if not impossible for local governments to coordinate Runaway Projects and service projects funded by LEAA or JJDP Act funds. The lack of coordination of this funding process has been dysfunctional.

In order to remedy this situation, it is recommended that the Runaway Youth Act should be modified to become a program administered by OJJDP under the JJDP Act. It is also recommended that this provision should be amended to permit state and local governments to be awarded grants and to require local elected officials to sign off before local private agencies are funded.

6. DEFINITION OF COMMUNITY BASED

The Association believes that the definition of "community based" should be revised to include the concept of the "least restrictive alternative". It is also believed that the definition's reference to "programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation" is beneficial and should be retained.

The concept of "least restrictive alternative appropriate to the needs of the child and the community" should be incorporated to refer to the guiding and acceptable considerations for placing children in community based facilities.

It is also believed that the language of the present definition referring to programs of community supervision and service should be retained because this provision encourages state operated or licensed programs to utilize communinty and consumer participation. Community and consumer participation and support for the planning operation and evaluation of juvenile justice programs is essential to the long term replication and maintenance of effort for such programs. Without community support and involvement, community based programs do not become truly "community based" but remain isolated.

7. REASONABLENESS OF RULES AND REGULATIONS

As mentioned above, it is believed that the Act and rules promulgated thereunder should encourage states and localities to participate in the programs to the fullest possible extent. It is recommended that the legislation include a provision directing the Office of Juvenile Justice and Delinquency Prevention to ensure that regulations promulgated are reasonable and appropriate in considering impact on states and localities.

8. PASS-THROUGH OF FUNDS TO LOCALITIES

The JJDP Act has allocated grants to the States on the basis of relative population of people under age eighteen. It is the recommendation of the Association that seventy-five percent of the funds made available to states under the JJDP Act should be passed through to populated localities on the basis of relative population of people under age eighteen to the total state population of those under age eighteen. The money to be allocated to jurisdictions receiving $10,000 or less under this formula would be awarded by the state in its discretion on a competitive basis. States could use the remaining twenty percent allocation to supplement the small jurisdictions' awards and to fund state sponsored programs.

As discussed in the foregoing comments, it is the Association's position that greater local participation should be fostered by the JJDP Act program. In order for this to be possible, local governments must be given a share of funding responsibility. The funding responsibilities of local governments should reflect the true role they play in administering, and improving the juvenile justice system.

This approach to local funding of programs would make possible improved coordination of JJDP Act funded programs with other public and private funded programs. A single comprehensive plan for JJDP Act and LEAA funds could be forwarded by local governments to the states for approval.

If this pass-through provision is added to the legislation, it is also recommended that the chief executive officer of a unit of local government or combination of units assign responsibilities for preparation and administration of the local government's application to a local Board such as a Criminal Justice Advisory Board organized under the JSIA, or a local or regional Criminal Justice Coordinating Council (CJCC). The local Board or CJCC would be required to have adequate representation of members from various components of the juvenile justice system.

9. AUTHORIZATION OF ADMINISTRATOR TO MAKE GRANTS TO LOCALITIES

It is recommended that the JJDP Act should include authorization to make grants to states and local governments or combinations of local governments. This language should be resolved in order to encourage localities to participate in the program where a local area is in compliance but a state is not and declines participation.

CONCLUSION

I wish to thank you for this opportunity to provide you with the Association's comments on issues related to the JJDP Act reauthorization. Our organization supports passage of this legislation and is hopeful that some advancements can be made to encourage improved community planning and involvement in the program. Community participation and greater responsibility for administering the program will assure progress in meeting the goals of the legislation during the years to come.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
March 31, 1980.

MS. MARY JOLLY,
Staff Director and Counsel, Subcommittee on Constitutions, Rayburn Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: The NCSL State-Federal Assembly will meet at the Key-Bridge Marriott in Rosslyn, Virginia April 23-25, 1980. The Committee on Law and Justice, one of the nine committees within the State-Federal Assembly, oversees pending federal criminal justice legislation and develops policy resolutions to guide NCSL's lobbying efforts on those issues.

Legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act is of major concern to the Committee. Last August, the Committee voted to "sunset" the NCSL position on JJDP. Rather than amending this policy position, the Committee decided to review the issue and draft a position pending reauthorization this year. The Committee intends to deal with this issue at the April meeting.

It would be helpful if you could meet with the Committee to brief them on the legislation that is pending before Congress. I have set aside time on Thursday, April 24 at 2:00 p.m. for this meeting. I realize that your schedule is tight and suspect you may have a problem meeting at the Key-Bridge Marriot; however, it may be possible for us to make arrangements to meet on the hill. Our agenda is not final as of yet and we will be happy to work with you to make arrangements at the most convenient time and place.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

MARY FAIRCHILD,
Research Assistant.

Enclosure.

NCSL POLICY POSITION

JUVENILE DELINQUENCY (EXPIRED 8/79)

The NCSL commends Congress for the passage of the Juvenile Justice and Delinquency Prevention Act. We do feel that in order for the states and the federal government to implement the goals of the legislation, the Administration and the Congress should seek appropriations in the full amount authorized by the Act.

We feel the prevention, control and treatment of juvenile delinquency should be one of the highest priorities of our criminal justice system. Coordinative efforts should be implemented among the many federal and state agencies, both private and public, so that services to our nation's youth are maximized. The prevention of juvenile delinquency should be recognized as the key to reducing crime in this country. Programs should therefore be committed to basic prevention, with special attention to home, school and community centered programs aimed at youth in danger of becoming delinquent.

Recognizing the very serious problem of violence in our nation's schools, the NCSL supports the addition of a section to the Juvenile Justice and Delinquency Prevention Act which would provide grants to the states to help make our schools safe.

The NCSL urges Congress to extend and relax the deadlines for compliance with the federal Juvenile Justice Act requirements which deal with status offenders and the incarceration of juvenile offenders with adult offenders.

No more than fifteen percent of the appropriated funds should be made available for federal discretionary programs, with the balance allocated to the states and localities in the form of a block grant.

The NCSL opposes any amendments to the Act which would offer financial incentives only to those states which provide subsidies to county government.

LAW AND JUSTICE

NCSL testified in strong opposition to a bill which would remove the reapportionment power of state legislators and place it under the control of bipartisan state commissions. Conference policy opposes "any federally mandated procedures, structures or substantive standards for redistricting, which NCSL believes would constitute a fundamental revision of the accepted constitutional role of the state legislatures and of the historic federal-state relationship." Though Senate and House redistricting proposals remained in committee at the end of the first session, renewed congressional interest in the measures is likely to be prompted by the 1980 census and impending reapportionment.

After sunsetting its policy in support of overturning the Supreme Court ruling in *Illinois Brick Co. v. Illinois* pending further review of the issue, NCSL readopted a position in favor of legislation to reverse the Court decision. At the close of the 1979 session, legislation supporting the right of states to recover damages in federal antitrust suits had been reported out of committee in the Senate and was still before the House Judiciary Committee.

NCSL worked extensively during the last Congress on legislation to reorganize the Law Enforcement Assistance Administration (LEAA). After months of congressional review, legislation was adopted to create a new umbrella organization to oversee LEAA and the new research/data collection agencies. The legislation retains the 90/10 match requirement under the formula grant program, increases the role of large cities and counties by assuring them a fixed allotment of funds and reduces much of the bureaucratic red tape formerly required by the agency.

NCSL will continue to support revision and simplification of the federal criminal code, while opposing expansion of federal criminal jurisdiction into the traditional areas of state responsibility. Action on a comprehensive Senate bill could take place early in 1980, and a less sweeping House measure might also be ready for a vote in the coming session.

NATIONAL CRIMINAL JUSTICE ASSOCIATION,
Washington, D.C., April 2, 1980.

MS. MARY JOLLY,
Chief Counsel, Senate Judiciary Committee, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: I am enclosing herewith 25 copies of the testimony of Lee M. Thomas, Director of the South Carolina Division of Public Safety Programs and Chairman of the National Criminal Justice Association on reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.

We greatly appreciate the opportunity afforded Mr. Thomas by the Subcommittee on the Constitution to submit testimony on this importan mater.

Sincerely,

GWEN ADAMS HOLDEN,
Director of Program Coordination.

Enclosures.

PREPARED STATEMENT OF LEE M. THOMAS, DIRECTOR, DIVISION OF PUBLIC SAFETY PROGRAMS, STATE OF SOUTH CAROLINA, ON BEHALF OF THE NATIONAL CRIMINAL JUSTICE ASSOCIATION

Mr. Chairman and distinguished members of the Committee: As Chairman of the National Criminal Justice Association[1] and as Director of the South

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[1] The National Criminal Justice Association represents the directors of the 57 state and territorial criminal justice councils (CJCs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The CJCs have been designated by their jurisdictions to administer federal financial assistance programs created by the Justice System Improvement Act of 1979 (the JSIA) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the JJDP Act). During fiscal year 1980, the CJCs have been responsible for determining how best to allocate approximately 62 percent of the total appropriations under the JSIA and approximately 64 percent of the total appropriations under the JJDP Act. In essence, the states, through the CJCs, are assigned the central role under the two Acts.

Carolina Division of Public Safety Programs, I appreciate the opportunity you have extended to me to address you on the matter of reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The National Criminal Justice Association supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

Crime and delinquency like defense are problems that are uniquely the responsibility of the government to manage. While crime and delinquency are essentially local problems that must be dealt with first by state and local units of government, the resources and expertise of and the encouragement and coordination by the federal government are sorely needed to support such state and local efforts.

The President's Crime Commission in 1967 and the Congress in 1974 found a litany of needs and problems related to the prevention and control of juvenile delinquency and the administration of juvenile justice systems. Without the leadership and assistance of the federal government, Congress determined juvenile crime and delinquency would continue to grow at even more rapid rates and the juvenile justice system would perpetuate its ineffective and sometimes inequitable treatment of youthful offenders.

The Juvenile Justice and Delinquency Prevention Act has had a major impact on how states and localities handle status and non-offenders. Thirty-four of thirty-seven states have met the interim deinstitutionalization mandate of the Act and over thirty states have revised their juvenile codes. However, more has to be done not only with respect to status and non-offenders, but with respect to violent, serious and chronic offenders as well as in preventing crime and delinquency. Federal assistance is needed.

The goals of the Juvenile Justice Act have stood the test of time well, but the program administration has proven to need some fine tuning. What follows are some suggestions on how to improve the Act by the primary administrators of the service delivery system and some reactions to the amendments proposed by the authors of S. 2434, S. 2441 and S. 2442.

(1) The Act should maintain the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration.

The National Criminal Justice Association joins Senators Bayh and Dole as well as the Administration and the National Governors' Association in calling for the Office of Juvenile Justice to remain within LEAA. The last five years have demonstrated the absolute necessity for close cooperation and coordination between LEAA and the office of Juvenile Justice.

(a) Criminal justice agencies and programs frequently don't distinguish between adults and juveniles for purposes of jurisdiction or program design. Programs designed to promote crime prevention, and improve the police and courts usually address both juvenile and adult offenders. Concepts and models for screening and rehabilitation of offenders are frequently transferable.

(b) The administrative rules and procedures should be the same for LEAA, OJJDP and the JSIA and the JJDPA. 19.15 percent of the JSIA funds must be spent on juvenile delinquency. The same state agency does and frequently the same grantee will administer funds under both Acts simultaneously. It is also common for funds of one Act to continue a program initiated with the funds of the other. Differing rules result in confusion, audit exceptions and unnecessary red tape and bureaucratic maneuvering. One set of administrative rules should be established by LEAA for both offices and programs.

(c) Long-term reform in some cases is making the juvenile justice system mtre like the adult criminal justice system, and in other cases reformers suggest that part of the juvenile justice system be abandoned. Waiver of juveniles to the criminal justice system is becoming more prevalent. With the foregoing changes, the Office of Juvenile Justice must coordinate its efforts with LEAA to ensure that the impact of new juvenile policies on the adult system can be planned for by LEAA.

(d) With diminishing resources, it does not make sense for LEAA and OJJDP to duplicate functions and resources when consolidation can yield efficiencies and greater effectiveness.

(2) The Associate Administrator of the Office of Juvenile Justice should be under the policy direction and control of the Administrator.

The National Criminal Justice Association supports Senator Dole and the National Governors' Association in clarifying that the OJJDP Associate Administrator is and should be subordinate to the LEAA Administrator. In addition to adopting the amendment proposed by Senator Dole, the Committee should amend the Justice System Improvement Act by deleting Section 820(a). We strongly oppose Section 201 of E. 2441. The amendment proposed by Senator Bayh would exacerbate the potential for conflict between the LEAA Administrator and the OJJDP Associate Administrator, a potential that was realized under the present legislation just a few short months ago.

(3) Section 223(a)(13) of the Act should continue to require the sight and sound segregation of juveniles from adults in institutions but should permit delinquents to commingle with youthful offenders under certain circumstances.

The National Association is concerned with the Administration's proposal to require removal of juveniles from institutions holding adults rather than prohibiting juveniles from having regular contract with adults. The Administration's proposal raises a number of unanswered questions.

(a) What is achieved by detaining and incarcerating juveniles in institutions different from adults which is not achieved by sight and sound separation?

(b) Will state and local units of government respond to a requirement to remove juveniles from adult institutions by opening separate detention and correctional facilities specifically for juveniles? Will the opening of separate juvenile institutions result in more beds for juvenile delinquents? If there are more institutional beds for juveniles, will more juveniles be incarcerated?

(c) It is possible that an absolute separation requirement would result in the waiver of a greater number of juveniles to the criminal system?

(d) Is is known what progress state and local units of government have made in achieving sight and sound separation, both in enacting legislation and in implementing the mandate? What problems have been evidenced in jurisdictions that have achieved sight and sound separation that would warrant expanding the mandate to require total separation?

(e) Is it known how much money has been expended to meet the mandate of sight and sound separation? How much of this investment would be lost if total separation were required? How many state and local units of government now meet the sight and sound mandate? How much money would it require nation-wide to achieve absolute separation?

(f) Is it known whether the Administration's proposed five year timeframe for the achievement of the mandate is reasonable?

(g) Does the federal government have an absolute separation requirement for its own institutions? How many states presently require total separation, have, in fact, implemented such requirements, and what has been their experience?

The National Criminal Justice Association believes Congress should consider amending Section 223(a)(13) of the Act to permit an exception to the separation mandate for state youthful offender programs. The Association has recommended that regular contact between adult and juvenile offenders be permitted in youthful offender programs where such programs have been specifically approved by the LEAA Administrator on the basis that these programs (1) will substantially benefit the youthful offenders, and (2) such placements will not harm the juveniles.

The basic premise of the separation mandate is that juveniles are young, and therefore, inexperienced, easily influenced and emotionally and physically vulnerable. They must consequently be kept out of contact with adult offenders who are older and more experienced, and necessarily a negative influence and potentially abusive. Where the association of juveniles and adults threatens the well-being of the juveniles, they must be separated. But there are instances in which the ages, behavioral characteristics and the treatment needs of the one individual, classified as a juvenile and the other individual, classified as an adult are so similar that there does not appear to be any programmatic justification to prohibit these individuals from regular contact. Where the safety and general well-being of each individual can be provided for, it would appear to make good programmatic and financial sense that their treatment needs be met in a single setting.

(4) The 19.15 percent maintenance of effort requirement should be modified to direct that an adequate share of funds received under the Justice System Improvement Act of 1979 be used for juvenile delinquency programming.

The National Criminal Justice Association supports Senator Dole, the National Governors' Association and the National Association of Counties in calling for a substitution of the rigid requirement that OJARS, LEAA and related agencies direct 19.15 percent of their funds to juvenile delinquency programs with primary emphasis on programs for convicted or adjudicated offenders. The foregoing Associations are opposed to overcategorizing federal programs. The 19.15 percent requirement has in some cases required money to be spent in areas which are not of high priority and in other cases served to operate as a ceiling as well as a floor, inhibiting a greater commitment of funds to the area of delinquency.

The National Criminal Justice Association opposes Section 211(b) of S. 2441 which reduces the flexibility of the maintenance of effort requirement even further by requiring that all such funds be expended on programs aimed at curbing violent crimes committed by juveniles. The need to curb violent juvenile crime is not the same all over this country. Some States and localities may have no violent juvenile crime problem.

Senator Dole's proposal (Section 4 of S. 2434) to amend the maintenance of effort requirement is worth considering. The reservation the Association has is that data supporting the relative expenditure standard may not be available.

(5) The National Institute for Juvenile Justice and Delinquency Prevention should be abolished and its functions consolidated into OJJDP, NIJ and BJS.

The National Association supports Representative Andrews' suggestion appearing in H.R. 6704 to abolish the National Institute for Juvenile Justice. This position is supported by many of the national public interest groups including the National Governors' Association, the National Association of Counties, the National League of Cities and the International Association of Chiefs of Police. The consolidation of the National Institute functions is consistent with the National Governors' Association longstanding policy to consolidate agencies and functions in order to promote efficiencies and a more coordinated policy and program implementation.

(6) Administrative provisions of the Juvenile Justice Act should be identical with provisions of the Justice System Improvement Act.

The national public interest groups agree that the following administrative provisions of the JSIA should be adopted in the Juvenile Justice Act reauthorization for both programmatic and administrative reasons: (a) the cost of federally funded projects should be assumed after a reasonable period of time, (b) the civil rights provisions of the two Acts should be identical, (c) the juvenile justice comprehensive plans should be three year plans with annual updates, and (d) state juvenile justice plans and all applications should be acted upon within 90 days of submission.

(7) In order to reduce red tape and administrative costs Section 223(a)(14) of the Act should be modified to permit a substitution for monitoring of juvenile detention and correctional facilities.

The Act should be amended to provide that states having statutes that prohibit institutionalization of status offenders and the commingling of adults and youths in places of incarceration will not have to monitor those places of confinement unless the Administrator of the Law Enforcement Assistance Administration determines that the state statutes do not adequately provide for deinstitutionalization, separation or the enforcement of these mandates.

(8) Funds unobligated in one year for a particular Act program should remain available for that program until expended.

The National Association strongly opposes the second sentence of Section 211(a) of S. 2441. The requirements of the Act and the nature of the programs and grantees require that funds appropriated remain available for obligation until expended. The result of requiring money to be obligated by the end of the fiscal year will result in poor planning, dumping of money at the end of the fiscal year, and fewer operating juvenile justice programs. The suggestion to revert unobligated money to the Department of Human Resources is unprecedented. This reversionary fund provision would result in money automatically going to DHR without being appropriated by Congress. Moreover, the proposed amendment would complicate both the budget and appropriations processes. Different appropriations subcommittees have jurisdiction over the Department of Justice and Department of Human Resources programs. Additionally, juvenile justice programs are funded under a different budget function category than Runaway Youth Act programs.

Mr. Chairman, thank you for the opportunity to share our views with you.

PREPARED STATEMENT OF GOVERNOR JAMES B. HUNT, JR. ON BEHALF OF THE NATIONAL GOVERNORS' ASSOCIATION

Mr. Chairman and members of the committee: I would like to express the views of the National Governors' Association on the issue of Reauthorizing the Juvenile Justice and Delinquency Prevention Act.

First, Mr. Chairman, the nation's governors believe emphatically that the Juvenile Justice and Delinquency Prevention Act of 1974 should be reauthorized. We commend congress for enacting the legislation that provided resources for developing programs in the control and treatment of juvenile delinquency, and programs that help our youth in general crisis situations. The mandate of deinstitutionalization has brought about healthy innovations in our treatment not only of status offenders, but of all youth in trouble. This process helped our effort to develop more substantive programs for youth in non-secure community based facilities. For example, we worked with private non-profit groups and local governments in planning juvenile facilities which met the letter and spirit of the legislation.

Our youth are the nation's greatest asset for the future; we must cultivate and develop them so they grow to become productive citizens—respecting those values that have made this nation strong and great. To this end, the governors believe that programs designed to develop youth and prevent delinquency must emphasize strengthening family relationships, building better and more productive schools, and establishing better and more coordinated community services. All of these institutions must work together to help our youth develop to their full potential.

We want to commend you and the committee, Mr. Chairman, for several amendments in the proposed legislation (S. 2441) which we vigorously support. First, we especially commend you for providing state and local governments the flexibility to develop programs to deal with the serious juvenile offender, particularly the emotionally disturbed juvenile offender. This has been a rather neglected section of juvenile programs.

Second, we commend you for maintaining the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration. And we believe that your position should be strengthened so that the director of OJJDP reports to the administrator of LEAA. Coordination between the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration is of utmost importance in developing a strategy for dealing with the problem of juvenile crime and delinquency at the federal and state levels. We recognize the need for a special office to plan for juvenile services, and we have given our full support to that office since it was established by the Juvenile Justice and Delinquency Prevention Act of 1974.

The creation of a separate office may appeal to some short term interests of juvenile justice proponents. But, governors and most all governmental officials, both elected and appointed, have consistently called for program and functional consolidation in order to improve program administration and service delivery. The president himself has proposed several federal reorganization plans that emphasize agency consolidation and coordination. For example, the federal emergency management agency brought together some eleven agencies and functions under one agency in order to better coordinate emergency assistance for state and local governments.

Furthermore, it is in the long term interest of juvenile proponents to have OJJDP remain within LEAA for it to have the ability to oversee well the LEAA financial assistance directed at juvenile justice, which is approximately 20 percent of all LEAA investments.

The National Governors' Association urges Congress to consider the following proposals as it reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974:

1. There should be parallel authorization periods for the JJDP Act and the JSIA Act. This would help states to assess, manage, and implement all justice programs during a reauthorization cycle.

The Justice System Improvement Act of 1979 reauthorizes the LEAA program, among others, through September 30, 1983. Thus, the Juvenile Justice Act should be reauthorized for the same period of three years.

2. The "adequate assistance" provision that applies to courts and corrections should apply to all components of the criminal justice system including juvenile justice.

In lieu of the requirement that 19.15 percent of the Justice System Improvement Act funds be committed to juvenile justice and delinquency prevention programming, legislation should be amended through the juvenile justice act amendments of 1980 to specify "adequate assistance" be given to juvenile justice. Governors are opposed to overcategorizing federal programs. Governors believe that the needs of all elements of the justice system within a state should be considered in determining allocations. Unnecessary categorization should be eliminated so that the greater needs of each state can be met. Considering the great needs of juvenile justice throughout the country which have been identified because of the JJDP Act, "adequate assistance" may well require an allocation of more than the presently mandated 19.15 percent.

3. The state agency designated by the governor to develop a state's criminal and juvenile justice plan should coordinate all juvenile justice programs that receive federal funding.

We believe no program funding under the act should go directly to a local unit of government or a private non-profit agency without the advice and comments of this agency. States are interested in coordinating federal and state funds to promote a comprehensive criminal and juvenile justice system.

Voluntarily over the past few months, OJJDP has coordinated with the states in this way. The benefits in improved morale and more effective use of funds have been striking.

4. The legislation should direct the Office of Juvenile Justice and Delinquency Prevention to ensure that rules, regulations, definitions, and responsibilities pursuant to the act are reasonable and consider the impact on the states. Furthermore, they should be designed to encourage full participation in the program by all states.

We are very optimistic that the administrator of OJJDP, Mr. Ira Schwartz will work closely with the states, realizing we can be twice as effective when we work closely together. Likewise, we are pleased to know, Mr. Chairman, of your support to encourage full participation in JJDP by all the states.

In addition, we recommend that efforts be made to conform certain administrative provisions of the Juvenile Justice Act with similar administrative provisions of the Justice System Improvement Act. Specifically, we suggest:

That the Juvenile Justice Act should be amended to require that the cost of federally funded projects be assumed after a reasonable period of time;

The civil rights provisions of the Justice System Improvement Act should be fully incorporated in the Juvenile Justice Act; and

Action on state juvenile justice plans by OJJDP should be required within 90 days.

Approximately two years ago, we testified before the house subcommittee, on economic opportunity and said that:

"In this mass of tangled federal bureaucracy, the Office of Juvenile Justice and Delinquency Prevention must not forget its first priority is to provide services to children in trouble with the law. It must distribute funds to be spent to help our troubled children as if it were a crisis, for in fact it is. Getting assistance down to the service provider and the young person in the street must be the top priority."

We still believe this, and urge Congress to form a partnership with the nation's governors to strengthen the juvenile justice and delinquency prevention program through reauthorizing legislation to ensure effective intergovernmental actions in addressing the problems of juveniles in this country.

Considering the fact that the JJDP program is implemented through each state, the governors appreciate your serious consideration of our priority recommendations. We look forward to working with you to plan for the implementation of these recommendations.

APPENDIX

Policy Position—National Governors' Association

Prevention and control of juvenile delinquency

The National Governors' Association believes that greater emphasis should be placed on coordinating and planning services for the prevention, control, and treatment of juvenile delinquency. Each state should strengthen its commitment to this effort by emphasizing programs to build better families, schools, and community services.

The Association commends Congress for enacting the Juvenile Justice and Delinquency Prevention Act (PL 93-415) of 1974. The act provided resources for developing programs in juvenile delinquency and treatment.

Because the problems caused by juvenile delinquency continue, the National Governors' Association urges Congress to incorporate the following principles when it works on the reauthorization of the Juvenile Justice and Delinquency Prevention Act:

1. The act should maintain the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration. The director of OJJDP should report to the administrator of LEAA.

2. There should be parallel authorization periods with the Law Enforcement Assistance Act. This would help states to assess, manage, and implement all criminal justice programs during a reauthorization cycle.

3. The "adequate assistance" provision that applies to courts and corrections should apply to all components of the criminal justice system including juvenile justice.

4. The state agency designated by the Governor to develop a state's criminal and juvenile justice plan should coordinate all juvenile justice programs. No program should be funded directly under the act without the advice and comments of this agency.

5. Discretionary grants should provide an equitable share of funds to rural and urban states for the development of juvenile justice programs.

6. The legislation should direct the Office of Juvenile Justice and Delinquency Prevention to ensure that rules, regulations, definitions, and responsibilities pursuant to the act are reasonable and consider the impact on the states. Furthermore, they should be designed to encourage full participation in the program by all states.

Adopted July 1979.

PREPARED STATEMENT OF DR. JOSEPH SCHERE, DIRECTOR, GOVERNMENTAL RELATIONS, THE NATIONAL PTA AND DORIS LANGLAND, PARENT

Juvenile Justice and Delinquency Prevention have been concerns of the National PTA, and the PTA supports passage of legislation aimed at improving the care and protection of children and youth. The PTA supports the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1977, for the following reasons:

1. The legislation emphasizes the need to strengthen the family unit so that juveniles may be retained in their homes rather than be institutionalized;
2. Emphasizes prevention rather than punishment;
3. Promotes keeping students in school and prevents unwarranted and arbitrary suspensions and expulsions; and
4. Encourages new approaches and techniques with respect to the prevention of school violence and vandalism.

The PTA justifies support of legislation aimed at protecting children and youth based on its experience that juvenile crime is related to those home environments that impact on the family, i.e. distorted through death, divorce, separation or desertion of one or both parents. The PTA's concern parallels those expressed in an FBI report on Juvenile Delinquency and Crime.

The absence of one or both parents for any reasons, results in, greater responsibility being placed on the community. Often such home environments lead to status offenders such as truancy, and truancy is a major problem among youth under age 16. Truancy may lead to suspension or expulsion from school and once separated from school the student and society become victims of "free time". Expulsion does nothing to improve a students job training and ability to cope with the time she/he has on their hands.

Recently the PTA completed a one-year study titled "*The PTA in the Urban Context*". Hearings were held in Kansas City, Miami, Houston, Seattle, Philadelphia and Washington, D.C. The hearings were entitled "The PTA Challenges the Cities: What Can We Do For Your Schools?" Leaders from the business community, education leaders Government officials, labor leaders, parents, teachers and students all testified concerning the problems in an urban environment. One of the five major problems cited was youth unemployment, which is one of the causes of juvenile delinquency and crime. Crime, violence, and vandalism were also cited as a problem. One of the solutions discussed included providing students job training.

One measure of our demonstrated concern for causes and effects of youth aggressive behavior is the existence of the highly publicized National PTA Television Violence Project. The National PTA just released results of the fall 1979 monitoring of prime television programs. Recently, in a Chicago suburb, a family was watching an action shown on television, in which one actor suffocates another with a pillow. When the show was finished, one of the youngsters takes a pillow from the living room sofa, walks over to the family dog, and presses the pillow in the dog's face. What would have happened if the parents were not in the room when this happened and it was a brother or sister and not the dog? In a very immediate way, this case history illustrates the fact that there can be a direct, causual relationship between violence seen on TV, and aggressive, hostile behavior by certain kinds of children.

Often juvenile justice is a local problem and is best dealt with in a community. Many of the problems that lead children to commit crimes include alcoholism, child abuse, neglect and lack of constructive leisure time activities. In Fairfax, Virginia a youth forum was held and one of the main problems that the kids specified was the lack of recreational activities. In early March, the District Government announced that due to budget constraints, many recreational areas, including existing facilities, would not open this summer. This will also mean a loss of jobs for area youth. When you compound these two factors, the delinquency and crime rates for people under 20 could top the 50 percent mark this summer in our nations capital.

One of the major purposes of the Juvenile Justice Act of 1974 was to prevent appropriate young people from entering our failing juvenile justice system. The National PTA supported the provision of the Act that required states to find alternatives ot institutionalization for status offenders. Children who have run away from home or are charged with truancy should not be placed in jails with convicted juveniles or adult criminals. The requirement of the Juvenile Justice Act has been successful in forcing an end to this practice and we would like to see it maintained until states comply 100 percent.

It is the position of the National PTA that Congress could better serve the interests of the youth of our country by reauthorizing the 1974 Act, as amended in 1977, without 1980 amendments.

The National PTA does support the Title III amendment to Section 302(a)—changing the name of the Act from "Runaway Youth" to "Runaway and Homeless Youth".

The priority being placed on the serious offender is out of proportion with the actual need. The priority should be placed on prevention, deinstitutionalization of status offenders, and dependent and neglected children. Programs are being added, but no new monies are being authorized. We feel that more programs for serious or violent offenders should be added, but not at the expense of existing programs.

The Office of Juvenile Justice and Delinquency Prevention should be a separate office under the authority of the Attorney General. Juvenile Justice gets lost under LEAA, particularly in the budget process, somewhat similar to the way education was treated under HEW. It seems reasonable that an office whose priority is delinquency prevention and also provding a wide range of youth services should be independent and not under the Law Enforcement Agency.

In closing, we would like to make one recommendation to the subcommittee. There is a lack of parental involvement in the juvenile justice system, and we would recommend that there be parental representation of both the state and federal advisory committees.

We would like to thank the subcommittee for inviting our comments. We have worked closely with the subcommittee in the past and hope to continue this relationship in the future.

NEW DIRECTIONS FOR YOUNG WOMEN,
April 1, 1980.

MS. MARY JOLLY,
Counsel and Staff Director, U.S. Senate Subcommittee on the Constitution, Russell Building, Washington, D.C.

DEAR MARY: Enclosed is a copy of a letter we sent to Senator DeConcini and Congressman Udall as well as the other representatives from Arizona.

I received a letter from Ira Schwartz saying there were additional funds for more advocacy projects and we were being considered. So that sounds hopeful.

I hope the Senate hearings were successful. What are the latest rumors concerning appropriations for O.J.J.D.P.?

I have sent a copy of what would have been our testimony at your Senate hearings to Senator Bayh under separate cover.

I'm sorry I was unable to attend. Please do consider us again.

Warm regards,

CAROL ZIMMERMAN, *Executive Director.*

Enclosure.

MARCH 31, 1980.

Hon. MORRIS UDALL,
U.S. House of Representatives, Longworth Office Building,
Washington, D.C.

DEAR MO: We are very concerned about proposed budget recommendations which might cut or eliminate funding for the Office of Juvenile Justice and Delinquency Prevention.

As long time youth advocates we feel it is absolutely vital that money continue to be appropriated to fund positive programs to combat juvenile delinquency.

Even in these times of severe inflation it would be unfortunate to reduce or eliminate the already minimum funds which the Office of Juvenile Justice has so productively used over the past few years.

We urge you to support the re-authorization of the Juvenile Justice Act and an adequate level of funding for juvenile programs, and if it is necessary, please consider the Office of Juvenile Justice as a separate entity from the Law Enforcement Assistance Administration.

We would appreciate knowing your views on this matter. Thank you for your support and efforts in the past.

Sincerely,

CAROL E. ZIMMERMAN,
Executive Director.
RUTH L. CROW,
Project Director,
National Female Advocacy Project.

PART VI.—ADDITIONAL STATEMENTS OF STATE ORGANIZATIONS

DEPARTMENT OF MANAGEMENT AND BUDGET,
Lansing, Mich., March 31, 1980.

Hon. BIRCH BAYH,
U.S. Senate, Chairman, Subcommittee on the Constitution, Senate Judiciary Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: On behalf of Michigan's Advisory Committee on Juvenile Justice, we offer the attached testimony submitted in support of the reauthorization and reappropriation of The Juvenile Justice and Delinquency Prevention Act of 1974 as amended by The Juvenile Justice Amendments of 1977.

We learned last week that the House Budget Committee has recommended the reduction of the appropriation for the Office of Justice Assistance Research and Statistics for fiscal year 1981 from $571 million to $50 million. This action would completely eliminate the Office of Juvenile Justice and Delinquency Prevention, as well as the Law Enforcement Assistance Administration and the grants program for state and local government.

Although we understand and support the need to attempt to balance the federal budget, it is incomprehensible that these juvenile and criminal justice programs be totally eliminated at a time when state and local governments must continue to concentrate efforts to address crime and to continue to improve the juvenile/criminal justice system. As you are undoubtedly aware, LEAA and OJJDP are the only federally supported efforts to address juvenile delinquency and crime within the several states.

We hope that the reauthorization and reappropriation will receive prompt action and support and that any amendments be of the sort that will maintain and enhance the intent of the Act.

As is described in the testimony, one change that would, in our opinion, greatly strengthen the effort toward administration of programs for juveniles in the justice system is the separation of OJJDP from LEAA. Such a rearrangement would add emphasis to the needs of those to whom the Act addresses itself and to the concerns of those who administer programs in their behalf.

Sincerely,

CLAUDIA GOLD,
Chairperson, Legislative Subcommittee.
ILENE TOMBER,
Chairperson, ACJJ.

Enclosure.

PREPARED STATEMENT OF MICHIGAN'S ADVISORY COMMITTEE ON JUVENILE JUSTICE (SAG)

The committee as authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 is composed of lay and professional people involved in the juvenile justice area. Their representation is broadly based to include the Director of the Michigan Department of Labor, a Chairman of a Board of County Commissioners, a Prosecutor, a Sheriff, a representative of the State Police, a Juvenile Court Judge, youth members, private and public agencies, representatives of the volunteer sector and university faculty members, and a state legislator. Our chairperson, Ilene Tomber, is a past president of Michigan's League of Women Voters and is also Vice Chairperson of the Michigan Commission on Criminal Justice.

Throughout our testimony you will see that the concern of the Committee is that the focus and intent of the Act not be changed extensively and that its emphasis on development and coordination of community based programs be continued to ensure that there is change in the treatment of delinquent and status offenders. That and its deinstitutionalization requirements and monitoring have been of great benefit to the State of Michigan.

The money provided by the Juvenile Justice and Delinquency Prevention Act has enabled Michigan to put in place programs that have removed juveniles who are charged with being status offenders from secure detention and instead place them in community based programs designed to help both the juvenile and his/her family avoid further contact with the juvenile justice system. But in addition to providing these programs, the Act has been the major impetus toward helping change the policy and philosophy of the juvenile courts, the agencies that deal with juveniles and the community, toward a more humane and productive way of dealing with the problems of young people who are headed in the direction of delinquent behavior.

By setting up the mechanism of the state advisory groups, the Act has enabled us to bring together in a working relationship, for the first time, all the interested parties of the system and representatives of interested citizen groups. The Advisory Committee in Michigan has been an effective force in helping to shape opinion and policy to implement the intent of the JJDP Act.

Michigan has been able to reach 75 percent compliance with the deinstitutionalization requirement and is working toward 100 percent compliance. At the same time work has begun on a major initiative in the prevention area, revision of the state juvenile code, evaluation of the state institutional needs for additional secure beds, a regional detention plan and a review of existing state programs in all areas with the aim of setting up a model evaluation for such programs. All these activities have been undertaken by the state advisory committee staffed by juvenile specialists at the state planning agency.

Prompt reauthorization of the JJDP Act with adequate funding and a separate and accountable Office of Juvenile Justice Delinquency and Prevention under the OJARS administration is essential to continue the work that we have begun so successfully in Michigan.

The following detailed positions presented in this testimony were developed by the Advisory Committee after careful analysis of what would be, in our opinion, the most effective rewrite of the Act.

OJJDP

It is our concern that the primary focus of any change in the position of OJJDP be directed toward a consolidation and strengthening of juvenile justice initiatives within the sphere of the Department of Justice. To that effect, we would recommend that OJJDP become a separate entity parallel to LEAA under OJARS. Such a change would expand the mandate and accountability of that office. We feel that a separate statutory basis would, as well, place emphasis on the often unique responsibilities in the juvenile justice area.

It is also our strong recommendation, understanding that the establishment of OJJDP as a co-equal entity would change the relationship of the two agencies, that OJJDP continue to administer and set policy direction for LEAA juvenile delinquency programs. No matter where the offices are located, juvenile justice issues should be guided by OJJDP with consultation and approval of the LEAA administrator.

We would further suggest that the NIJJDP (National Institute for Juvenile Justice and Delinquency Prevention) should remain separate. Although there is some possibility of a duplication of effort with the other research agencies, we are again concerned that the often separate thrust of juvenile justice concerns not be weakened.

AUTHORIZATION

Recognizing the obvious budgetary strictures present in the 1980's, we would still wish that there be increased provision of funding. Our group suggested that funding be $200 million in the first year, $225 million in the second, to reach a level of $250 million in the last period of the authorization. If OJJDP should remain within LEAA, we would recommend that juvenile justice programs retain their identity and priority.

We also recommend the extension and reauthorization of the Runaway Youth Act under the office of H.E.W. or H.H.S.

MAINTENANCE OF EFFORT

We feel that the requirement for maintenance of effort funds in the JSIA greatly strengthens the juvenile justice system. We would suggest that even stronger language should be developed regarding the OJJDP administrator's responsibilities to publish guidelines for LEAA funded juvenile justice programs. We would not be adverse to the change from 19.15 percent to 20 percent to simplify accounting procedures. Again, our concern is that nothing be altered that would dilute efforts in the juvenile justice area.

POTENTIAL MATCH REQUIREMENT

We would support the suggestion that states be allowed to decide if there be a match requirement for programs. The concern of our Committee is that such a provision might seriously hamper the efforts of often innovative financially limited programs. The possibilities for discrimination against those private agencies that could only provide in-kind services for match might create a change in the intent of the Act as the Act was to permit the funding of private agencies.

Even with those reservations we feel it would be fiscally responsible to allow a match with certain limitations. We would recommend that should such a match be considered that it be only on the basis of a 90 percent state-10 percent agency/group match with the potential for waiver on basis of need.

COORDINATION

We consider the role of the Coordinating Council on Juvenile Justice and Delinquency Prevention to be extremely important and would suggest continuation and strengthening of the implementation of interagency programs and projects.

SUBSIDY ISSUE

We are aware of the request of the National Association of Counties for such a program to assist units of general purpose local government through the use of subsidy as could be defined in Sec. 103(14) of the Act. While we do not disagree with the needs of local governments, we believe that a centralized statewide source for funding is more efficient and effective and will not be confusing to potential applicants.

STATE ADVISORY GROUPS

We would suggest that the language of Section 223(a)3(F)ii be changed to provide that the S.A.G.'s shall advise the governor and legislature of the states. We would also wish that the S.A.G.'s be further represented somehow on the National Advisory Committee to offer more input to that group.

COMPLIANCE

While we recognize the difficulties of 100 percent compliance, we recommend that there be no change in the language of the Act so that there is no diminution of effort toward compliance. We reject the suggestion that the requirements for and terms secure detention or correctional facilities in Section 223(a)12A be modified to allow States more leeway in meeting the objectives of the Act. The inappropriate placement of a child in a detention or correctional facility, even if it is not secure, is counterproductive. It is the position of our group that the use of secure detention should be restricted to youth alleged to have committed criminal violations and should be used only for youth who:

1. Have a high risk of failing to appear before the court,
2. Represent a clear public danger.

Some have wished to amend the Act to provide that states that prohibit institutionalization of status offenders and commingling not have to be monitored unless there is a determination of failure. We would not support such a provision: the monitoring effort should not be weakened.

JAILING

In addition, the jailing of status offenders, abused or neglected children, and delinquent offenders should be completely prohibited. Youth should have the right to bail commensurate with the right of adults, including the right to request bail in cases in which his/her parents refuse it. Regarding Section 223(a)(13) that mandates that there be no commingling, we would encourage that no less emphasis be placed on that issue in the Act. Our state is in compliance with the Act as it is written.

SERIOUS JUVENILE OFFENDERS

It is our objective opinion that the focus of the Act not be changed and that the JJDPA funds continue to be used for the prevention and diversion of juveniles. We are concerned that disproportionate amounts not be directed toward the violent offender and that the definitions of a serious offender not be changed.

FORMULA AND SPECIAL EMPHASIS GRANTS

We have found the existing formula to be reasonable, but we would request a revision to 80 percent of population formula basis and 20 percent discretionary Special Emphasis funds.

Thank you for your attention to our Committee's concerns.

MARCH 18, 1980.

Senator BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am enclosing position statements developed by the Juvenile Justice Committee of the Michigan Chapter of the National Association of Social Workers for your consideration in connection with your review of the Juvenile Justice and Delinquency Prevention Act.

Sincerely,

MARCIA MACMULLAN,
Chairperson, Juvenile Justice Committee.

Enclosure.

PREPARED STATEMENT OF THE POSITION OF THE MICHIGAN STATE COUNCIL OF SOCIAL WORKERS ON THE JUVENILE JUSTICE SYSTEM IN MICHIGAN

On behalf of professional social workers engaged in and concerned with the problems of families which are in contact with juvenile courts, the Michigan State Council of Social Workers, NASW, submits the following propositions as guides to the process of evaluation of the complex network contained in the justice system.

I. It is in the best interest of society and the individual child that problems of control and supervision of children be recognized as family centered, and that remediation of such problems must be attempted within the context of the family as a total unit.

A. Legal, jurisdictional, and administrative obstacles to the communication of the needs and problems of families which are having specific conflicts with society should be reduced or eliminated whenever and wherever possible.

1. A family court structure is superior to the present conflict between probate and circuit court jurisdictions.

2. The juvenile division of the probate court (or a family court if created) is in the best position vis-a-vis the judicial and the executive branches of government to receive communication concerning high risk children and families and to responsibly coordinate fact-finding and the allocation of services. The court is necessary to ensure fair administration of justice and accountability among service providers. The juvenile code should be amended to provide specific authority and standards for the referral, coordination, and review functions of the juvenile court. Such functions are complementary to the rule-making and evaluation functions of executive agencies, and should be written to provide a clear check on service providers and on regulating agencies.

II. The juvenile (or family) court was designed to prevent the processing of minors into the criminal justice/correctional system and was specifically given civil jurisdiction for this reason. This principle is valid and should be preserved.

A. Protection of the constitutional rights of children and their parents requires access to legal counsel at all phases of juvenile court processing and proper notice of each proceeding.

1. Formal adversary proceedings should be avoided except in matters relating to serious danger to life and property for the reason that adversary proceedings escalate conflict and focus on individual guilt rather than on solutions to problems within families and between families and institutions.

2. Matters relating to support and custody of children, the role performance of minors (e.g. school attendance, "incorrigibility" complaints) or of parents (child abuse and neglect) should be decided through a formalized mediation process within the jurisdiction of the juvenile (or family) court. The consent docket provisions of the juvenile court rules should be amplified to provide criteria and sanctions for a full-fledged mediation process.

III. Standards for personnel who provide justice and program services to children and families at risk should be arrived at through a process that provides equal participation of the judicial and executive branches of government, representatives of the behavioral science profession, and representatives of the public.

A. Arbitrary standard setting by one branch of government or by one dominant self-interest group should not be allowed to develop; the standards now being written under PA 116 should be submitted to appropriate and concerned professional and public associations for review and comment prior to submission to the legislature.

B. The core discipline that should be identified and required for professional counselors, diagnosticians, and therapeutic staff is knowledge of family network—its structure, dynamics, communication styles and processes. Legal professionals should be required to obtain a minimum of eight hours credit in family structure and process in order to qualify to practice in the juvenile (or family) court.

IV. An information system that enables all constituent members of the juvenile justice network to retrieve data relative to the effectiveness of programs, population characteristics and projections, and which pinpoint duplication as well as gaps in services should be instituted at the state level as a guide for local as well as state planning.

A. There is no need or justification for the state to collect individual names in CCPIS or any other information system that purports to be dedicated to improving services to families at risk. At present, CCPIS is of no value for local planning nor is it reliable.

B. Wherever data is collected which uses the names of individuals involved in court actions, or allows for easy identification of individuals, the persons identified should be advised that their names are being entered on an information system and they should be given opportunity to review and challenge the file.

C. Any information system which purports to identify program-level needs and problems in the juvenile justice system must be cognizant of the intake from the two major referral sources: the police and public schools. The following recommendations relate to data collected by schools and police:

1. Standard criteria for police reporting of delinquency should be established along with provisions for the correction and expungement of police records.

2. There should be established in Michigan an accurate statewide school enrollment census and with this an early warning system to signal children who are dropping out of school and from what localities. Current legislation to amend the State School Aid Act should incorporate an acurate and reliable census-taking process. (Reference: *Children Out of School in America*, publication of the Children's Defense Fund, 1946 Cambridge Street, Cambridge, Massachusetts, 02138, October, 1974).

3. There should be established in Michigan a state-wide policy for school disciplinary actions which requires a fair hearing and prohibits the widespread schizophrenic practice of punishing school truancy with suspension from school. This policy should provide for a census of disciplinary actions by schools, according to the category of the "offense" and the action taken by the school.

CHILDREN'S RIGHTS TASK FORCE STATEMENT

The State Task Force on Children's Rights and Responsibilities devoted the past year to study and discussion of the standards concerning the rights and responsibilities of children and to preparation of the following proposed statement. The Task Force reviewed national NASW policy and other sources, such as the United Nations Declaration of the Rights of the Child. From this review the Task Force concluded that practical guidelines for courts and other regulatory agencies were lacking in the NASW and most other statements. The Task Force attempted to identify and state in simple language those broad abstract principles which the members felt were most essential.

Present NASW national policy concentrates on the family as a primary social unit, and does not directly address the particular rights of children except in positions supporting the legal due process rights of children in juvenile court proceedings. Task Force members believe that, especially in the International Year of the Child NASW should provide leadership in formulating guidelines applicable to child custody, abuse and neglect issues. Drafters of the statements were: Ellen Fetchiet, Marcia MacMullan, Barb McKnight, Julie Ruhal, and Ralph Strahm.

STANDARDS OF CHILDREN'S RIGHTS AND RESPONSIBILITIES

After the first year of life, in addition to the above, the child requires expanding opportunities to explore the environment while at the same time the child continues to require protection.

I. Children have the right to physical nurture sufficient to ensure their development up to the limits of their biological potential.

Comment: This right includes basic food, shelter, protection from the elements, health care consistent with sound medical principles, protection from life threatening conditions (i.e. unsafe housing, lead paint, physical abuse, etc.). This right implies that health and safety standards and regulations of the community should be monitored with respect to the child's basic survival rights. In addition, this right implies that social workers and others responsible for decisions should evaluate the probabilities and potentialities of environments in which the children may live.

II. Children have the right to obtain bonds with affectionate and protective adults who are responsible for their care and custody.

Comment: Positive bonds with his/her caregivers are the basis for a child's social and intellectual development and future as an autonomous, responsible, and effective adult. This right implies that professionals responsible for decisions concerning child custody must give the highest priority to precise evaluation of the bonds which exist in the child's life and to assessment of the consequences of changes in custodial arrangements.

III. Children have the right to learn by trial and error, to explore boundaries within the physical, psychological and cultural dimensions of their world.

Comment: Children need the opportunity to develop their sense of self, to know their special skills and innate abilities through explorations conducted individually as well as with peers and adults. They should neither be overprotected nor underprotected in this process of discovery and reality testing; their individuality must be respected. This implies that children are entitled to identify, compare, contrast boundaries of their environment as reflected in people of varying life states, in differences of sex, nationality, race, and socio-economic status; and through communication of various beliefs about social order and normative behavior.

Children are entitled, and should be encouraged, to be curious.

IV. Children have a right to develop a moral framework.

Comment: Children and youth need to be able to interpret behavior in themselves and others according to a code of ethics as a basis for independent judgment and socially responsible conduct. This right implies that social workers and others responsible for child custody need to frankly include assessment of the ethical capacity and character of children's caretakers, especially where custody is an issue. This right also implies that those persons involved in direct treatment with children and youth, psychiatric social workers, counselors, therapists, need to be concerned with and are responsible for influencing and facilitating the ethical development of the children and youth under their care.

V. Children have a right to be free of professional malpractice.

Comment: Children are entitled to services free of malpractice. This right implies that professionals working with children have an obligation to develop their own ethical awareness. This also implies that society is entitled to expect the professional organizations to monitor adherence to professional standards and to expose and correct violations of these standards on both an individual and organizational basis.

CHILDREN'S RESPONSIBILITIES

VI. According to a child's developmental stage, a child has the responsibility to make known his or her physical, emotional, and intellectual needs.

Comment: This standard implies that children have a responsibility to respond to family members or other caretakers, and to seek and provide feedback.

VII. According to a child's developmental stage, the child has the responsibility to identify and respect the physical, emotional, and intellectual needs of others within their own family and immediate neighborhood.

Comment: This standard implies that children should recognize and accept that they are part of a social world in which they need to learn to negotiate with others, and to operate in a cooperative mode.

VIII. According to a child's developmental stage, the child has the responsibility to accept the caring he or she receives from others and to be willing to care for others.

Comment: Interdependent relationships are the matrix for all human transactions; in order to promote individual and collective survival and maximum development of their potential, children must take responsibility for the impact of their behavior on others within the limits of their individual development.

Submitted by NASW Task Force on Children's Rights and Responsibilities 8/79.

JUVENILE CODE

General observations

HB 4774 contains very few changes from the much-amended and debated version of a juvenile code in circulation last winter as substitute HB 6104. Less widely known but quite important legislative innovations appear in bills tie-barred to the main body of the code. These bills would require, among other things, that child care funds be spent on voluntary foster care as well as on court-ordered care, would require the Department of Social Services to develop a 24-hour runaway shelter system for youth, and would allocate a percentage of state income tax collections to the general fund of each county.

There is a widespread expectation that the total package of juvenile code bills will finally be passed in this session of the legislature, thus rounding out a general overhaul of Michigan's entire probate system. (The mental health code was substantially revised in 1975 and decedents estates probate in 1978.) Last ditch efforts to defeat the bill by an alliance of Wayne County and rural county probate judges, and also certain police groups, are anticipated.

Salient features

The dominant theme of HB 4774, like its earlier versions, is a strengthening of the adversary process in juvenile court and conversely, a significant reduction in the degree of freedom permitted to the juvenile judge and his/her staff. The court's authority is circumscribed by precise definitions of child abuse and neglect, delinquency, and by specific standards analogous to jurisdictional process in adult criminal courts. Status offenses are redefined to fit within the legal concept, *Family in Need of Services* (FINS). Procedural steps in the FINS sections, however, are purposely designed to limit the court's power to certain extreme, "last resort" situations.

The accountability of juvenile courts, including court social workers and police agencies, is greatly increased under the proposed code. For example, time limits are established at each step of the jurisdictional process, from petition to disposition; access to detention is carefully restricted; the use of jail is banned three years after the passage of the code; standards for detention administration are spelled out.

Questions of concern to social workers

There persists a concern that the virtual removal of the status offense caseload from juvenile court jurisdiction will have the side effect of exacerbating class and racial inequities now evident in the social services available to children and youth on a voluntary basis, as contrasted with involuntary, court-ordered services. Voluntary, preventive services to "hard core" or "high risk" children will have to be expanded considerably in the light of the well-documented fact that the poor and especially poor blacks are at present referred in disproportionately high numbers to juvenile courts. While many of those youth presently labeled and processed through juvenile courts as status offenders, under the

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proposed code, would presumably escape being branded and treated as law violators, stereotyping of youth referred on delinquency to the juvenile court as criminal would tend to be encouraged by the definitions built into the proposed code.

Related to the question of equitable distribution of services is the question of accountability. As noted, the proposed code would make courts, police, and the Department of Social Services highly accountable for their actions; social workers will have to justify and defend their case decisions. Standards set forth in the new code, however, do not extend to voluntary foster care or treatment oriented services obtained by voluntary means. For standards in this regard, a watchful eye should be kept on the Department of Social Services regulations for child placing agencies: NASW's declassification—issue chickens could be flying home to roost in a remodeled juvenile code.

Perhaps the most overshadowing question is, as always, financing. According to expert estimates, HB 4476, the revenue-sharing bill, would generate about 10 million in tax rebates to the counties. Since there is yet to be published an authoritative and detailed breakdown of the price tag for the proposed juvenile code, estimates of the cost of implementation are purely guesswork. It is certain, however, that expenditures for professional legal services must rise significantly. Whether or not the 10 million from HB 4476 will be sufficient to enable counties to develop the necessary voluntary, alternative services, or whether the additional revenue will be absorbed by attorneys' fees and other court costs, remains unknown. It should also be noted that although the State Child Care Fund would be opened up to pay for voluntary foster care there is at present no plan to increase appropriations to the Child Care Fund. Decisions as to the capability of the Child Care Fund to carry the additional load await a detailed financial analysis of the present usage of the fund.

The State Juvenile Justice Committee reviewed and endorsed the essential features of the proposed juvenile code in April of 1978. In the committee's view, the proposed changes are essentially constructive, necessary, and overdue. The committee will meet in Lansing on October 12 to review current developments; members are encouraged to direct their questions or comments to the committee in writing via the state office. Submitted by: Marcia MacMullen, Chairperson.

JUVENILE JUSTICE ISSUES: STATUS OFFENSES (RUNAWAYS, TRUANTS)

Editor's Note.—Following the adoption of an amendment to the Michigan position statement on juvenile justice which specifically addresses the status offender issue, the Chapter has received petitions to have the matter debated in the newsletter. The history of the development of the Michigan state position and the pro and con arguments are presented herewith:

The Juvenile Justice Committee has passed through three distinct phases since its establishment by the pre-reorganization state council: analysis of pending legislation and related issues; formulation of NASW positions; revision of positions. The original committee, composed of seven members designated by their local units, met frequently during 1976 and developed a series of propositions which were first adopted by state council in April of 1976 and re-adopted by the new state board in November of 1976. The membership of the Juvenile Justice Committee began to expand rapidly in January 1977 and at the same time some of the original members left the committee. A request to change the wording of the original position to make an explicit statement on status offenses was presented to the state board in March and referred to the committee. In April, the committee considered and adopted the proposal to amend the position statement on juvenile justice, which was presented and adopted by the state board in its May meeting. Meanwhile, because of the depth and complexity of social problems embedded in proposals to restructure juvenile justice services, the committee chairperson recommended that a task force be established to concentrate on the philosophical issues of children's rights and responsibilities. Ralph Strahm was appointed by the board to form this task force, which expects to meet in July. Persons interested in joining this task force should contact him at 313–674–4717.

It is important to understand that the full text of the Michigan position statement on juvenile justice sets forth four interrelated propositions covering the authority and structure of juvenile justice, personnel standards, information systems, and criteria for police and school processing of juvenile cases. Excerpts from the statement relevant to the status offender issue are given below, together with the recently adopted amendment. In addition, relevant portions of the national policy statement on juvenile justice, adopted at Delegate Assembly, are presented. Submitted by Marcia McMullan, Juvenile Justice Chairperson.

POSITION STATEMENT EXCERPT (MICHIGAN CHAPTER)

I. It is in the best interest of society and the individual child that problems of control and supervision of children be recognized as family centered, and that remediation of such problems must be attempted within the context of the family as a total unit.

A. Legal, jurisdictional, and administrative obstacles to the communication of the needs and problems of families which are having specific conflicts with society should be reduced or eliminated whenever and wherever possible.

1. A family court structure is superior to the present conflict between probate and circuit court jurisdiction.

2. The juvenile division of the probate court (or a family court if created) is in the best position vis-a-vis the judiical and the executive branches of government to receive communication concerning high risk children and families and to responsibly coordinate fact-finding and the allocation of services. The court is necessary to ensure fair administration of justice and accountability among service providers. The juvenile code should be amended to provide specific authority and standards for the referral, coordination, and review functions of the juvenile court. Such functions are complementary to the rule-making and evaluation functions of executive agencies, and should be written to provide a clear check on service providers and on regulating agencies.

II. The juvenile (or family) court was designed to prevent the processing of minors into the criminal justice/correctional system and was specifically given civil jurisdiction for this reason. This principle is valid and should be preserved.

A. Protection of the constitutional rights of children and their parents requires access to legal counsel at all phases of juvenile court processing and proper notice of each proceeding.

1. Formal adversary proceedings should be avoided except in matters relating to serious danger to life and property for the reason that adversary proceedings escalate conflict and focus on individual guilt rather than on solutions to problems within families and between families and institutions.

2. Matters relating to support and custody of children, *the role performance of minors (e.g. school attendance, "incorrigibility" complaints*) or of parents (child abuse and neglect) should be decided through a formalized mediation process within the jurisdiction of the juvenile (or family) court. The consent docket provisions of the juvenile court rules should be amplified to provided criteria and sanctions for a full-fledged mediation process . . . (Italics added)

AMENDMENT

The Michigan State Chapter of NASW supports the removal of juvenile court jurisdiction over all acts which if committed by an adult, under law, would not be an offense.

NATIONAL POLICY EXCERPTS

. . . We affirm that juveniles should not be placed in locked detention for acts that would not be criminal if they were performed by adults. At the same time we assert that troubled juveniles must not be ignored by the community.

We must recall that historically the Juvenile Court was set up to be of assistance to juveniles in trouble rather than for them to be dealt with by the punitive devices of the adult system of justice. Children in trouble generally means families in trouble. It is not enough to merely divert juveniles from the justice system. Adequate services must be available in all communities for families in trouble, including individual and family counseling, establishment of family courts, psychiatric services, and provision for placement of children outside their home when required. Care must be taken to assure that no stigmatization is attached to these services . . .

. . . Such review of statutes and ordinances should be directed to the elimination of statutes defining as criminal behavior such conditions as drug addiction and alcoholism, which may be more appropriately handled as medical and/or mental health problems. Further, the juvenile and criminal justice systems should not bear the major responsibility for coping with other social problems such as prostitution, incorrigibility, truancy, and mental illness. . . .

Published in the Michigan NASW newsletter, June, 1977.

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
Augusta, Maine.

MARY JOLLY,
Staff Attorney, U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: The Juvenile Justice Advisory Group of Maine strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act. After extensive review by our Legislative Committee and discussion by the entire JJAG, we have concluded that reauthorization of the Act is crucial to our efforts in improving the juvenile justice system in Maine. I am enclosing the positions that we have adopted on eight of the issues dealing with reauthorization. We urge you to support reauthorization of the Act so that we may continue to deal with the crucial problems of the juvenile justice system.

I would be pleased to forward to you any further information you may need.

Sincerely yours,

A. L. CARLISLE,
Chairman,
Juvenile Justice Advisory Group.

Enclosure.

ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

Issue I: New Title: Continued Creation of Alternatives to Incarceration via State Subsidy and Other Funding
Issue II: Special Emphasis—Delinquency Prevention*
Issue III: Definition: Detention or Correctional Facility
Issue IV: The Structural Position of The Office of Juvenile Justice and Delinquency Prevention*
Issue V: State Advisory Groups*
Issue VI: Maintenance of Effort Funds*
Issue VII: Authorization Periods for the Juvenile Justice and Delinquency Prevention Act and the Law Enforcement Assistance Act*
Issue VIII: Appropriations: Office of Juvenile Justice and Delinquency Prevention
Issue IX: Runaway Youth Act
Issue X: Match requirements for Part B Funds
Issue XI: Treatment of Serious Offenders—Findings
Issue XII: Coordinating Council on Juvenile Justice and Delinquency Prevention
Issue XIII: Administration of Juvenile Delinquency Programs through the Crime Control Act
Issue XIV: Monitoring Requirements*
Issue XV: National Advisory Committee*
Issue XVI: National Institute for Juvenile Justice Delinquency Prevention
Issue XVII: Definition of Community Based
Issue XVIII: Special Emphasis—Rural Initiative

POSITIONS ON ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

The Juvenile Justice Advisory Group strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act.

DELINQUENCY PREVENTION

Issue II.—Delinquency Prevention has not been the priority originally intended by Congress. Special emphasis must be focused on delinquency prevention and adequate funding is required to maintain an ongoing delinquency prevention program. More and better resources focused on youth prior to their contact with the juvenile justice system has the potential for greater impact.

THE STRUCTURAL POSITION OF OJJDP

Issue IV.—LEAA has recurringly suffered from public and Congressional dissatisfaction while OJJDP has been praised for its success and continues to increase its credibility. Therefore, the Office of Juvenile Justice and Delinquency Prevention should be a separate and autonomous fourth box in the new reorganized OJARS structure at the same organizational level as LEAA, the National Institute of Justice and the Bureau of Justice Statistics.

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*Positions on these issues are attached.

STATE ADVISORY GROUPS

Issue V.—The State Advisory Groups should be strengthened as they play an integral role in the juvenile justice area. The language of the Act in Section 223 should be changed to state that the State Advisory Groups "shall" advise the Governor and State legislature, as well as the State Planning Agency and its supervisory board, regarding juvenile delinquency policies and programming. It is also recommended that the State Advisory Groups receive an increased allocation (more than 5 percent) to be utilized for training and hiring of staff.

MAINTENANCE OF EFFORT FUNDS

Issue VI.—Maintenance of Effort funding must be continued at 20 percent of the LEAA appropriation. The provision was originally established to prevent LEAA from supplanting the current juvenile justice funding with JJDPA monies, thereby gaining no true gain in dollars spent on juvenile justice. It is felt that "adequate share" language could decrease the amount of money utilized in juvenile justice. It is further encouraged that LEAA fund juvenile-related programs over and above the 20 percent maintenance of effort minimum.

AUTHORIZATION PERIODS

Issue VII.—The Juvenile Justice and Delinquency Prevention Act should be authorized for a three year period and up for reconsideration by the Congress in a different year than the OJARS legislation. This is consistent with the concept of OJJDP's separate identity and maintaining its own credibility.

MONITORING REQUIREMENTS

Issue XIV.—The current language of Section 223(a)(12) dealing with monitoring requirements should be retained. A method of monitoring the deinstitutionalization, separation, and community-based nature of facilities needs to be maintained as mandatory. A State's passage of legislation cannot suffice as proof that there are no longer abuses or that it is enforcing its legislation.

NATIONAL ADVISORY COMMITTEE

Issue XV.—There should be increased representation from State Advisory Groups in the membership of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. It is recommended that ten of the twenty-one members of the NAC shall be members of their state advisory groups. Each SAG member shall represent a different federal region. This will ensure that SAG's are adequately represented and that there is equitable geographic representation.

SPECIAL EMPHASIS—RURAL INITIATIVE

Issue XVIII.—Special attention should be given to a rural initiative focused on the needs of youth in underserved rural states. The major emphasis has always been on the urban, densely populated states because of the concentrated problems and high proportion of serious crime. The needs of less populated, highly rural areas are acute and deserve at least equal emphasis.

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
April 4, 1980.

MARY JOLLY,
Staff Attorney, U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: The Region I Coalition of State Advisory Group Chairs, composed of the chairmen of the State Advisory Groups from Maine, New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island, recently met to discuss the reauthorization of the Juvenile Justice and Delinquency Prevention

Act. After a thorough discussion of the issues around reauthorization based on the positions taken by each State Advisory Group, the Coalition developed positions based on a regional perspective. The Coalition strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of Act. The specific position adopted by the Coalition are enclosed for your information and consideration.

The Coalition urges you to support reauthorization of the Act and would be willing to forward to you any further information you may need.

Sincerely yours,

A. L. CARLISLE, *Chairman*.

Enclosure.

1. NEW TITLE: CONTINUED CREATION OF ALTERNATIVES TO INCARCERATION VIA STATE SUBSIDY AND OTHER FUNDING

The Region I Coalition sees no need for the creation of a new title within the JJDPA and believes that sufficient emphasis on the deinstitutionalization of delinquent as well as status offenders already exists under the current language of the Act. The Coalition sees little to be gained by creating a separate title when resources for implementation are limited, and significant debate continues over the currently existing "deinstitutionalization of status offenders" mandate.

If a state is sincerely committed to the principle of the "least restrictive alternative" for youths, there is nothing in the present legislation to prohibit the state from implementing such a policy.

2. SPECIAL EMPHASIS—DELINQUENCY PREVENTION

The Coalition maintains that there should be only two Special Emphasis initiatives. Programs for primary prevention and for violent juvenile offenders should be the focus of Special Emphasis funding.

3. DEFINITION: DETENTION OR CORRECTIONAL FACILITIES

The Coalition agreed that a definition of juvenile detention and correctional facility should be written into the Act so there will be no confusion about interpretation.

4. THE STRUCTURAL POSITION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Coalition supports the position that LEAA and OJJDP should exist as separate and autonomous offices within the Office of Justice Assistance, Research and Statistics (OJARS). The placement of the OJJDP as a separate arm of OJARS would allow OJJDP the independence it requires in order to carry out the mandates of the JJDPA in the most productive way. The Coalition feels that the focus of OJJDP is distinct from that of LEAA and warrants this administrative autonomy.

5. STATE ADVISORY GROUPS (SAG'S)

The Coalition is in favor of increasing the state advisory group allocation to 7 percent of the minimum annual allotment available to any state. This would increase the SAG allocation to $15,750 for each state.

The Coalition is also in favor of amending Section 223(a)(3) of the JJDPA to include a provision allowing SAG chairs to declare a vacancy on the state advisory group due to a member's lack of attendance. In addition, Section 223(a)(3)(F)(ii) of the JJDP should be amended to read: Shall advise the governor and the legislature on matters related to its function.

6. MAINTENANCE OF EFFORT

The Coalition supports the continuation of the Maintenance of Effort provision and recommends that the applicable percentage be increased from 19.15 percent to 20 percent to simplify accounting calculations.

It is the Coalition's belief that the "adequate share" language is too vague to be a useful measure of conformity with the maintenance of effort provision of the JJDPA.

7. AUTHORIZATION PERIODS FOR THE JJDPA AND LEAA

The Coalition is in favor of retaining separate authorization periods and processes for the JJDPA and LEAA legislation.

8. APPROPRIATION LEVEL FOR OJJDP

The Coalition supports an increase in the reauthorization appropriation level as shown below:

Fiscal year ending:	*Authorized to be appropriated (millions)*
September 30, 1981	$200
September 30, 1982	225
September 30, 1983	250

9. RUNAWAY YOUTH ACT

The Coalition believes that there should be no change in the administration of the Runaway Youth Act.

10. MATCHING FUNDS REQUIREMENT

The Coalition favors the retention of a "no-match" provision for action funds and the 50 percent or dollar-for-dollar match on planning and administration funds.

11. TREATMENT OF VIOLENT OFFENDERS

The Coalition supports amending the "advanced techniques" provision of the JJDPA to include: "alternative institutional programs for the treatment of violent juvenile offenders." In supporting this amendment the Coalition suggests that if such alternative institutional programs are to be considered advanced techniques, then the Act must clearly describe and define the population to be served in such programs.

Therefore, the Coalition proposes that the "Definitions" section of the Act should be expanded to include definitions for both the chronic repeat offender and the violent offender.

In addition, the Coalition was in agreement that states should not be locked into spending any set percentage on this initiative if the serious offender is not an issue in the state. For example, three states in Federal Region I, Maine, New Hampshire, and Vermont, do not have this problem.

The Coalition is also in support of the Attorney General's recommendation that Section 101(a)(4) should be changed by adding "alcohol and" after "abuse" and before "drugs."

12. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Coalition is in agreement with the position of Gordon Raley (Staff, House Subcommittee on Human Resources), as summarized below:

1. 5 percent of the office appropriation should be used for implementing joint inter-agency programs and projects. However, none of these funds should be used for planning such programs and projects.
2. The Coordinating Council should be authorized to review joint funding efforts.
3. The Attorney General should not be authorized to delegate his authority as Chairman of the Council, but should be encouraged to attend the four meetings per year of the Council.
4. Any staff for the Coordinating Council should come from existing Federal positions and not be created through the diversion of program money.

13. ADMINSTRATION OF JUVENILE DELINQUENCY PROGRAMS THROUGH THE CRIME CONTROL ACT

The Coalition recommends that the OJJDP continue to administer and get policy direction from all LEAA juvenile delinquency programs.

14. MONITORING REQUIREMENTS

The current language of Section 223(a)(12) dealing with monitoring requirements should be retained. A method of monitoring the deinstitutionalization, separation and community-based nature of facilities needs to be maintained as mandatory. A state's passage of legislation cannot suffice as proof that there are no longer abuses or that it is enforcing its legislation.

15. NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Coalition recommends that:

1. At least 10 of the members of the NAC should be members of their state advisory groups at the time of their appointment, one such member to be drawn from each federal region.
2. The level and purpose of financial support for the NAC should be specified in the JJDPA.
3. The Executive Director of the NAC should be appointed by the chair of the NAC, with the consent of the majority of both present and voting members.
4. The chair of the NAC should be empowered, with the consent of the majority of present and voting members, to declare a vacancy if any member misses a specified number of board meetings.
5. The President should be requested to fill all vacancies within 30 days.
6. The NAC should be empowered to elect a Vice Chairperson from among its members, and, in the event of a vacancy in the chair, the Vice Chairperson should serve until another chair is appointed by the President.

16. NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Coalition supports the need for the NIJJDP and recommends that it continue to be located within the OJJDP. Further, the Coalition is in favor of directing the NIJJDP to develop a mechanism for requesting and receiving information from state planning agencies and state advisory groups.

17. DEFINITION OF COMMUNITY-BASED

The Coalition supports the existing definition of community-based with one exception. In the definition the word "open" should be deleted and replaced by "non-secure".

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
Augusta, Maine, April 11, 1980.

MARY JOLLY,
Staff Attorney, U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Russell Office Building, Washington, D.C.

DEAR MS. JOLLY: The Juvenile Justice Advisory Group of Maine strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act. After extensive review by our Legislative Committee and discussion by the entire JJAG, we have concluded that reauthorization of the Act is crucial to our efforts in improving the juvenile justice system in Maine. I previously forwarded the positions that we adopted on eight of the issues dealing with reauthorization. I am now enclosing the positions that we adopted on the remaining reauthorization issues. We urge you to support reauthorization of the Act so that we may continue to deal with the crucial problems of the juvenile justice system.

I would be pleased to forward to you any further information you may need.

Sincerely yours,

A. L. CARLISLE,
Chairman,
Juvenile Justice Advisory Group.

Enclosure.

POSITIONS ON ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

ISSUE III: DEFINITION: DETENTION OR CORRECTIONAL FACILITY

A definition of juvenile detention and correctional facility should be written into the Act so there will be no confusion about interpretation.

ISSUE VIII: APPROPRIATIONS: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

There should be an increase in the reauthorization appropriation level as shown below:

Fiscal year ending:	*Authorized to be appropriated (in millions)*
September 30, 1981	$200
September 30, 1982	225
September 30, 1983	250

ISSUE IX: RUNAWAY YOUTH ACT

There is no position regarding the Runaway Youth Act.

ISSUE X: MATCH REQUIREMENTS FOR PART B FUNDS

The JJAG favors the retention of a "no-match" provision for action funds and the 50 percent or dollar-for-dollar match on planning and administration funds.

ISSUE XI: TREATMENT OF SERIOUS OFFENDERS—FINDINGS

The Juvenile Justice and Delinquency Prevention Act should define "serious offender", "violent offender", and "repeat offender".

ISSUE XII: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The JJAG recommends the following:

1. 5 percent of the Office appropriation should be used for implementing joint inter-agency programs and projects. However, none of these funds should be used for planning such programs and projects.
2. The Coordinating Council should be authorized to review joint funding efforts.
3. The Attorney General should not be authorized to delegate his authority as Chairman of the Council, but should be encouraged to attend the four meetings per year of the Council.
4. Any staff for the Coordinating Council should come from existing Federal positions and not be created through the diversion of program money.

ISSUE XIII: ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS THROUGH THE CRIME CONTROL ACT

The JAAG recommends that the OJJDP continue to administer and set policy direction for all LEAA juvenile delinquency programs.

ISSUE XVI: NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The JJAG supports the need for the NIJJDP and recommends that it continue to be located within the OJJDP. Further, the JJAG is in favor of directing the NIJJDP to develop a mechanism for requesting and receiving information from state planning agencies and state advisory groups.

ISSUE XVII: DEFINITION OF COMMUNITY-BASED

The JJAG supports the existing definition of community-based with one exception. In the definition the word "open" should be deleted and replaced by "non-secure".

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
Augusta, Maine, April 14, 1980.

Ms. MARY JOLLY,
Staff Attorney, U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR Ms. JOLLY: As you may be aware, the Budget Committee of the House of Representatives and the Administration have recommended the elimination (through zero appropriation for fiscal year 1981) of the Law Enforcement Assistance Administration (LEAA). The impact of cutting the LEAA formula grant program to the states, which, by law, allocates approximately 20 percent to be spent on juvenile justice, will severely cripple juvenile programming in Maine.

Without this supplementary funding, it would be exeremely difficult for a state like Maine to carry out the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974. Maine is strongly committed to achieving full compliance with the deinstitutionalization and separation mandates of the Act as well as to funding community-based programs, but this major cut will negate the advances of the Act. Congress will be breaking an agreement made in 1974 to provide the necessary funds to meet those mandates and to encourage the development of community alternatives.

The Maine Criminal Justice Planning and Assistance Agency (MCJPAA), through LEAA funds, has been the catalyst for criminal justice and juvenile justice reform in Maine. For example, MCJPAA was responsible for the Criminal Justice Academy, innovative court reform and implementation of major standards compliance efforts at the State correctional institutions and jails.

In the juvenile area specifically, MCJPAA was responsible for creating the present network of group homes and emergency shelters, which provide short-term, intermediate and long-term placement for juveinles, as well as necessary jail reform to provide adequate sight and sound separation of juveniles and adults as mandated by the Act. LEAA funds have supported a major revision in Maine's Juvenile Code, provided emergency purchase of service funds for clients of juvenile intake and probation, was instrumental in the establishment of youth service and youth aid bureaus, and in developing alternatives to incarceration for juveniles.

Without juvenile justice monies, Maine will be halted in its catalytic development of a range of delinquency prevention programs targeted at the schools, employment, the family, and the community.

Because Maine is a poor, rural state, it is important to understand that LEAA funds support basic minimal criminal and juvenile justice services and do not supplement already existing services. In light of the current fiscal climate and the massive cuts in Title XX, Maine does not have any alternative resources available at the State or local level to maintain juvenile programs without assistance from the federal government.

In conclusion, the Juvenile Justice Advisory Group urges you to strongly support a minimum reasonable appropriation to LEAA for implementation of the Justice System Improvement Act. Without the 20 percent juvenile justice allocation, the effectiveness of juvenile programs will be severely jeopardized. The present reauthorization effort in Congress is meaningless without adequate funding.

Sincerely yours,

A. L. CARLISLE,
Chairman,
Juvenile Justice Advisory Group.

MAINE CRIMINAL JUSTICE PLANNING AND ASSISTANCE AGENCY,
Augusta, Maine, June 2, 1980.

MARY JOLLY,
Staff Attorney, Senate, Committee on Judiciary, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR Ms. JOLLY: The Juvenile Advisory Group of Maine urges your strong support of reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in carrying out the mandates of the Act. OJJDP has encouraged juvenile programming for delinquency prevention, deinstitutionalization, alternatives for juvenile offenders and major juvenile justice reforms. If OJJDP dies now or is severely crippled, in this year of budget cutting, states like Maine will revert to past practices due to lack of federal incentive to improve services to juveniles.

In order to implement the Act and to have a significant impact on juvenile justice, adequate funds are necessary, and we urge support of a FY 1981 appropriation of $200 million. In light of the potential elimination of LEAA, such an appropriation is necessary to cover the loss in LEAA maintenance of effort funds and the loss of administrative support currently provided to OJJDP by LEAA.

It is also critical, in this period of reauthorization, to establish OJJDP as an independent "fourth box" of OJARS with complete autonomy and to create a state structure to advocate for the intents of the legislation.

Enclosed please find the JJAG's positions adopted in response to specific reauthorization issues as proposed in current bills before Congress. Reauthorization with an adequate appropriation is imperative.

Sincerely yours,

A. L. CARLISLE,
Chairman,
Juvenile Justice Advisory Group.

POSITIONS OF PRIMARY IMPORTANCE TO REAUTHORIZATION

I. The JJAG opposes the amendment to HR 6704 requiring removal of all juveniles from adult jails. A rural state with a small population like Maine does not have the financial resources to provide separate facilities or a range of adequate alternatives with the severe cutbacks in LEAA funds.

Maine would be unable to provide for absolute removal of juveniles from adult jails. The mandate of complete removal is not feasible considering the present fiscal climate. The JJAG recommends, that instead of mandating absolute removal of juveniles from adult jails, the maintenance of the sight and sound separation mandate with a provision requiring a minimal level of programming, adequate supervision and necessary appropriate services. The JJAG also recommends a strong stance on enforcement of the monitoring requirement. With such limited financial resources, prior to such a strong mandate of absolute removal, the enforcement of intensive monitoring and a striving for true separation should be required.

II. The JJAG strongly opposes the title and the thrust of S2441, "Violent Juvenile Crime Control Act of 1980." The JJAG acknowledges the need for an emphasis on the serious/violent juvenile offender but this drastic change in focus loses the thrust of the original Juvenile Justice and Delinquency Prevention Act of 1974 which highlighted delinquency prevention and alternatives for the juvenile justice system.

III. The JJAG strongly re-emphasizes its existing position regarding OJJDP as an autonomous entity responsible for administering and setting policy for all juvenile justice programs (Sec. 2.01). The JJAG further urges that the reauthorization legislation address all issues relative to OJJDP standing on its own with full administrative, grant and contract authority and clearly define by whom funds will be administered, how OJJDP will be set up and administer funds at both the federal and the State level.

IV. The JJAG recommends that the NAC membership be maintained at 21 members (Sec. 207). A reduction to 15 members would provide too few members for the sub-committees. The NAC should also include 10 SAG representatives from each federal region to ensure broad representation.

V. The JJAG recommends that the age for youth membership should be maintained at 26. The JJAG agrees with the change in the proportion of youth membership (1/5 instead of 1/3). (Sec. 223(a) (3) (E))

VI. The JJAG recommends that the SAG "shall" be given a role in monitoring State compliance. It is a critical provision of the JJDPA relative to the major mandates of deinstitutionalization and separation and should be an area of priority for SAG's (Sec. 223(a) (3) (F) (iv)).

VII. The JJAG recommends re-emphasizing prevention as a priority area for special emphasis monies (Sec. 224.(a) (5)). Special emphasis should be directed to prevention and adequate funds provided for that area.

VIII. The JJAG supports changing language from "SPA" to "SAG" (Sec. 225(b)).

IX. The JJAG supports the 20 percent maintenance of effort. Those monies are crucial to the operation of the juvenile justice system in Maine. The JJAG further recommends that if LEAA is eliminated, those funds be reallocated to juvenile justice. The JJAG does though oppose requiring that MOE be used for programs aimed at violent crimes (Sec. 261(b)).

X. The JJAG favors reauthorization at $200 million in fiscal year 1981, $225 million in fiscal year 1982, and $250 million in fiscal year 1983 (Sec. 261(a)).

XI. The JJAG opposes the reversion of unobligated funds to the Runaway Youth Act (Sec. 261(a)).

XII. The JJAG supports the equitable distribution of runaway grant funds to the states based on population under 18 (Sec. 311(a)).

XIII. The JJAG opposes establishing a new Runaway Hotline. It is the JJAG's understanding that a nationwide hotline exists at present and supports that effort (Sec. 311).

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
Augusta, Maine, June 17, 1980.

Ms. MARY JOLLY,
Staff Attorney, U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Russell Senate Office Building, Washington, D.C.

DEAR MS. JOLLY: The Region I Coalition of State Advisory Group Chairs, composed of the Chairmen of the State Advisory Groups from Maine, New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island recently met to discuss specific reauthorization issues as proposed in current bills before Congress. After a thorough discussion of the specific reauthorization issues, the Coalition adopted positions based on a regional perspective which are enclosed for your consideration.

The Coalition urges your strong support of reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in carrying out the mandates of the Act.

Sincerely yours,

A. L. CARLISLE, *Chairman.*

Enclosure.

THE REGION I COALITION OF SAG CHAIRS' POSITIONS ON ISSUES OF PRIMARY IMPORTANCE TO REAUTHORIZATION

1. The Region I Coalition of SAG Chairs expresses strong opposition to the title and thrust of the Senate bill, (S2441), "Violent Juvenile Crime Control Act of 1980".

2. The Region I Coalition of SAG Chairs supports removing all limits on the maintenance of effort provision and favors increasing the maintenance of effort requirement from 19.15 percent to 20 percent.

3. The Region I Coalition of SAG Chairs supports of five year reauthorization level and a funding level of $200 million 1981–1983 and $225 million, 1984–85. The Coalition also supports, in the event that LEAA is eliminated an increase to the fiscal year 1981 original appropriation of $100 million for the first three years and $125 million for the last two years to compensate for the loss of maintenance of effort funds.

4. The Region I Coalition recommends no change in Section 222(b) concerning reallocation of unobligated funds.

5. The Region I Coalition of SAG Chairs strongly supports the House bill, (HR6704) which includes OJJDP as a 4th box of OJARS, with the additional autonomy of the Senate bill which gives OJJDP the authority to administer and set policy for all juvenile justice programs.

6. The Region I Coalition of SAG Chairs supports deletion of Section 228(a) of the JJDPA.

7. The Region I Coalition of SAG Chairs opposes reducing the membership of the NAC from 21 to 15 members. The Coalition recommends that 10 of the 21 members of the NAC be SAG representatives, one from each federal region.

8. The Region I Coalition of SAG Chairs supports the monitoring requirement (Sec. 223(a)(14)).

9. The Region I Coalition of SAG Chairs opposes the deletions of Section 223(a)(10)(H) and supports the additions.

10. The Region I Coalition of SAG Chairs recommends that the SAG in conjunction with the SPA review discretionary grants (Sec. 225(b)).

11. The Region I Coalition urges that the reauthorization legislation address the structure for the continuing administration of Juvenile Justice and Delinquency Prevention funds at both the federal and the State level in the event that LEAA is eliminated.

Black Catholic Ministries and Laymen's Council,
Pittsburgh, Pa., April 1, 1980.

Hon. Richard S. Schweiker,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Schweiker: One of the more important programs which Congress has passed and funded during the past few years, in my opinion, is the Juvenile Justice and Delinquency Prevention Act of 1974.

I understand that Congress is now considering reauthorization of this act. I am writing to urge your support, and to ask that the Administrator of the Office of Juvenile Justice and Delinquency Prevention be given separate sign-off power on discretionary grants.

The programs which are begun with the funds from this act are essential to keeping young people out of the juvenile justice system and in preventing crime. Pennsylvania would suffer if this funding were no longer available. We would ask that you not confuse the money which goes to the Office of Juvenile Justice and Delinquency Prevention (which is for kids) with proposed LEAA budget cuts. We think the OJJDP funds are critical to the future of the country.

Thank you for listening to our views.

Sincerely,

Robert Pitts,
Executive Director.

Black Catholic Ministries and Laymen's Council,
Pittsburgh, Pa., April 1, 1980.

Hon. H. John Heinz, III,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Heinz: One of the more important programs which Congress has passed and funded during the past few years, in my opinion, is the Juvenile Justice and Delinquency Prevention Act of 1974.

I understand that Congress is now considering reauthorization of this act. I am writing to urge your support, and to ask that the Administrator of the Office of Juvenile Justice and Delinquency Prevention be given separate sign-off power on discretionary grants.

The programs which are begun with the funds from this act are essential to keeping young people out of the juvenile justice system and in preventing crime. Pennsylvania would suffer if this funding were no longer available. We would ask that you not confuse the money which goes to the Office of Juvenile Justice and Delinquency Prevention (which is for kids) with proposed LEAA budget cuts. We think the OJJDP funds are critical to the future of the country.

Thank you for listening to our views.

Sincerely,

Robert Pitts,
Executive Director.

Black Catholic Ministries and Laymen's Council,
Pittsburgh, Pa., April 1, 1980.

Hon. William S. Moorhead,
Pittsburgh, Pa.

Dear Congressman Moorhead: One of the more important programs which Congress has passed and funded during the past few years, in my opinion, is the Juvenile Justice and Delinquency Prevention Act of 1974.

I understand that Congress is now considering reauthorization of this act. I am writing to urge your support, and to ask that the Administrator of the Office of

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Thank you for listening to our views.

Sincerely,

ROBERT PITTS,
Executive Director.

YWCA OF GREATER PITTSBURGH,
April 1, 1980.

Hon. RICHARD S. SCHWEICKER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SCHWEICKER: I am writing to ask your support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. This important legislation allows for diversion from the juvenile justice system of young people and the creation of innovative programs at the community level to deal with troubled youth.

We have begun to make progress in Pennsylvania in dealing with status offenders and providing help to families, but additional time and resources will be needed to be effective. We have made good progress with getting children out of adult jails, as it is now illegal in our state.

In order to reduce adult crime and the tremendous costs of handling adult offenders, I think it is important to spend this money now to help juveniles.

Please vote for this important reauthorization legislation with independent sign off power for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Thank you.

Sincerely,

LAVERA BROWN,
President.

YWCA OF GREATER PITTSBURGH,
Pittsburgh, Pa., April 1, 1980.

Hon. DON BAILEY,
Greensburg, Pa.

DEAR CONGRESSMAN BAILEY: I am writing to ask your support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. This important legislation allows for diversion from the juvenile justice system of young people and the creation of innovative programs at the community level to deal with troubled youth.

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Thank you.

Sincerely,

LAVERA BROWN,
President.

YWCA of Greater Pittsburgh,
Pittsburgh, Pa., April 1, 1980.

Hon. H. John Heinz, III,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Heinz: I am writing to ask your support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. This important legislation allows for diversion from the juvenile justice system of young people and the creation of innovative programs at the community level to deal with troubled youth.

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Please vote for this important reauthorization legislation with independent sign off power for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Thank you.

Sincerely,

Lavera Brown,
President.

Pennsylvania Congress of Parents and Teachers, Inc.,
Harrisburg, Pa., April 1, 1980.

Hon. H. John Heinz, III.
Russell Senate Office Building,
Washington, D.C.

Dear Senator Heinz: The Juvenile Justice and Delinquency Prevention Act of 1974 is up for reauthorization in Congress.

I am writing to ask you to vote for it, and to give the Administrator of the Office of Juvenile Justice and Delinquency Prevention independent sign-off power on grant applications.

This legislation providing funds for delinquency prevention and community-based programs is very important for Pennsylvania's youth. We have seen improvements in our state in keeping children out of jails and help for status offenders and their families.

If we spend this money now to prevent delinquency the eventual cost to the taxpayer will be reduced for adult jails and penitentiaries.

Thank you for consideration of our views.

Sincerely,

Frank Patterson,
Juvenile Justice Chairman.

Pennsylvania Congress of Parents and Teachers, Inc.,
Harrisburg, Pa., April 1, 1980.

Hon. Joseph M. Gaydos,
Rayburn House Office Building,
Washington, D.C.

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Thank you for consideration of our views.

Sincerely,

FRANK PATTERSON,
Juvenile Justice Chairman.

BALDWIN COMMUNITY UNITED METHODIST CHURCH,
Pittsburgh, Pa., April 1, 1980.

Hon. RICHARD S. SCHWEIKER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SCHWEIKER: It is our understanding that the Bayh Act (Juvenile Justice and Delinquency Prevention Act of 1974) is up for reauthorization.

We are writing to ask your support for this important legislation to fight crime and prevent delinquency.

The funds that we have received in Pennsylvania and would continue to receive if it is reauthorized, would help more innovative programs for youth to be started. It is our opinion that these programs are essential to prevent young people from being involved in delinquency.

When you consider this legislation, please consider giving the Administrator of the Office of Juvenile Justice and Delinquency Prevention separate sign off power on proposals.

Thank you for consideration of our views.

Sincerely,

MS. NORMA BOECKER,
Lay Leader.

BALDWIN COMMUNITY UNITED METHODIST CHURCH,
Pittsburgh, Pa., April 1, 1980.

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Russell Senate Office Building,
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When you consider this legislation, please consider giving the Administrator of the Office of Juvenile Justice and Delinquency Prevention separate sign off power on proposals.

Thank you for consideration of our views.

Sincerely,

Mrs. Norma Boecker,
Lay Leader.

State of Rhode Island and Providence Plantations,
Governor's Justice Commission,
Providence, R.I., *April 14, 1980.*

Senator Birch Bayh,
Chairman, Subcommittee on the Constitution,
Russell Senate Office Building,
Washington, D.C.

Dear Mr. Chairman: You will soon be considering legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act. During the past several months, the Juvenile Justice Advisory Committee and the Juvenile Justice Subcommittee of the Governor's Justice Commission has been reviewing the reauthorization legislation which has been proposed by President Carter and positions which have been adopted by various national organizations. After discussing this material in relation to the needs of the State of Rhode Island, the committees have formulated a series of recommendations. These recommendations are being forwarded to you for consideration during the reauthorization process.

Recommendation One

The Juvenile Justice and Delinquency Prevention Act should maintain an emphasis on delinquency prevention and the provision of services to status offenders.

There are several new references in the proposed legislation to increased services for "serious, repeat and chronic offenders." (e.g., S101(A)(8), S223 (A)(10)). While the importance of providing services to this troubled population is recognized, the concern is that this not be accomplished at the expense of diverting resources from the deinstitutionalization of status offender efford. Given the limited funding level associated with the Act, fulfillment of both purposes is not possible.

Recommendation Two

The definition of a juvenile institution contained in section 103(12) should be amended with the clause, "except for facilities which are used for short term diagnostic purposes."

A major problem with the current definition is that it does not allow for the secure confinement of status offenders for initial assessment, crisis intervention and treatment planning purposes. This situation limits the ability of the Juvenile Justice System to identify and respond to the needs of the individual and/or the family unit. Without a thorough knowledge of the background, circumstances and content of status offense cases, the provisions of adequate and appropriate services is jeopardized. This information can usually be obtained without secure confinement, but, in a significant number of cases such as chronic runaways, confinement for diagnostic purposes is necessary. The time period which is needed for this initial assessment seldom exceeds 30 days.

The proposed amendments to the definition would permit federal regulations to respond to this legitimate need.

Recommendation Three

The administration of the runaway youth act and the juvenile justice and delinquency prevention act should be assigned to one federal agency.

Since both of these programs are designed for the same population, both should be administered by the same agency. This would improve program focus and consistency, as well as facilitate the development of joint funding initiatives.

Other recommendations which have been developed in Rhode Island relate to the coordination of the LEAA and JJDP programs. Given recent developments, these recommendations are not being presented at this time.

If further information is desired concerning any of these recommendations, please contact Dan Donnelly, Senior Criminal Justice Planner, at (401) 277-2620. Mr. Donnelly would be most willing to provide additional information or to appear before your committee to discuss these recommendations in more detail.

Thank you for your time and consideration.

Sincerely,

PATRICK J. FINGLISS,
Executive Director.

STATE OF WASHINGTON,
OFFICE OF FINANCIAL MANAGEMENT,
Olympia, Wash., June 20, 1980.

Ms. MARY JOLLY,
Staff Director and Counsel, Senate Constitution Subcommittee, Senate Office Building, Washington, D.C.

DEAR Ms. JOLLEY: Washington State has had a continued interest in the Juvenile Justice and Delinquency Prevention Act. This State has participated in the Act since it's initial passage. One major achievement of our participation has been the passage of comprehensive changes in Washington State's juvenile laws, which incorporated many aspects of the national legislation. These legislative changes have resulted in Washington State being found in compliance with the mandates of the Juvenile Justice and Delinquency Prevention Act for the past two years.

As an additional measure of interest, the Governor's Council on Criminal Justice and the Governor's Juvenile Justice Advisory Committee of Washington State have reviewed issues and adopted resolutions relating to the reauthorization of the Juvenile Justice and Delinquency Prevention Act this year. I am pleased to forward their resolutions regarding reauthorization for input in your deliberations.

Sincerely,

RONALD J. MCQUEEN,
Assistant Director, OFM,
Division of Criminal Justice.

Enclosure.

RESOLUTIONS FOR THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

RESOLUTION NO. 1

Whereas, the Governor's Council on Criminal Justice recognizes that funding of the Law Enforcement Assistance Administration program is very doubtful at best,

Whereas, The loss of those 19.15 Maintenance of Effort Funds would reduce the ability of the states to implement the JJDP Act and address the ever increasing problem of juvenile crime in the country.

Hereby resolves, that the funding level appropriated for the JJDP Act should be no less than 200 million dollars, half of which would address the purposes of the JSIA maintenance of effort provisions, if LEAA loses funding.

RESOLUTION NO. 2

Whereas, Senate Bill 2441 (a) amends the Juvenile Justice and Delinquency Prevention Act of 1974 as follows: "* * * appropriated funds not obligated by the end of each fiscal year, shall revert to the Secretary for the purposes of Title III, not later than January 1, of the subsequent fiscal year."

Therefore, the Governor's Council is opposed to this amendment and supports the retention of the existing administrative policy concerning unobligated funds.

RESOLUTION NO. 3

Whereas, S. 2441 placed emphasis on the violent juvenile offender; and,

Whereas, S. 2441 specifies that the maintenance of effort funds from the JSIA must be used to address juvenile involvement in the violent crimes of murders, forcible rape, robbery, aggravated assault and arson with bodily harm; and, Whereas, the number of juveniles involved in these violent crimes in Western States is only a minor portion of all juveniles involved in the juvenile justice system; and,

Whereas, the present level of funding is inadequate to handle all of the juvenile justice issues, it seems inappropriate to earmark already scarce resources to a group which represents only a small portion of the total problem: and.

Therefore, be it resolved: that the members of the Governor's Council strongly urge the Congress to eliminate the restriction on the expenditure of maintenance of effort funds to the violent juvenile offender.

RESOLUTION NO. 4

Whereas, the JSIA as passed in October of 1979 provides that the 19.15 percent Maintenance of Effort funds used for juvenile justice programs must be used with primary emphasis on programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an Act which would be a criminal offense if committed by an adult,

Whereas, this requirement restricts the use of funds to a small juvenile population, restricts the ability to provide prevention and diversion services to juvenile offenders,

Therefore, be it resolved that the Governor's Council on Criminal Justice supports the targeting of Maintenance of Effort funds for the offender population, but wants the elimination of the restriction on adjudicated offenders.

RESOLUTION NO. 5

Whereas, the amendment submitted by Rep. Coleman and agreed to by the House Education and Labor subcommittee during "markup" of H.R. 6704 allows ". . . violation of a valid court order would be grounds for placing, including status offenders/non-offenders, in secure detention and correctional facilities; and,

Whereas, this amendment would allow for the incarceration of status offenders and non-offenders who have not committed a criminal act and would result in the increased use of detention for youth for whom it is inappropriate;

Therefore, be it resolved that the Governor's Council on Criminal Justice opposes this amendment which would allow for the incarceration of status offenders and non-offenders who have violated a court order.

RESOLUTION NO. 6

Whereas, the HR 6704 amends Section 206(a)(1) by including the Commissioner of the BIA on the Federal Coordinating Council of the JJDP Act to provide the effective use of federal funds for improved juvenile services, and

Whereas, the Bureau of Indian Affairs (Interior Department) has major responsibility for the provision of educational and supportive services to Native American youth and their families,

Therefore, be it resolved, the Governor's Council on Criminal Justice supports the amendment that the Commissioner of BIA be placed on the Federal Coordinating Council.

RESOLUTION NO. 7

Whereas, Section 228(b) of the JJDP Act presently allows JJDP formula funds to be used to match other federal resources with the authorization of the OJJDP Administrator; and,

Whereas, the use of JJDP funds as match is an innovative mechanism to expand and develop prevention, diversion and community-based services to youth and provides the opportunity for coordinated and cooperative interagency delivery of services; and,

Whereas, the ability to match other federal funds (i.e., Title XX of the Social Security) with JJDP Act funds results in a greater impact for the limited federal dollar; and,

Therefore, be it resolved that the Governor's Council on Criminal Justice supports the conscientious, comprehensive study by OJJDP addressing the impact of any such proposed legislation on local juvenile justice systems and provide the opportunity for states and localities to comment and provide input.

CATHOLIC FAMILY AND CHILDREN'S SERVICES,
Bellingham, Wash., March 7, 1980.

MS. MARY JOLLY,
Staff Person, Subcommittee of the Senate Judiciary,
U.S. Senate, Washington, D.C.

DEAR MS. JOLLY: I am writing in respect to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). From my perspective as Director of a community social service agency focusing on the needs of children, adolescents, and their parents, I believe it is essential that the very worthwhile activities of the OJJDP be continued and, if at all possible, at a level of increased financial support.

I would like to emphasize that over the last eight years OJJDP has been instrumental in cooperating with our Agency in the establishment of a number of specialized residential placement resources for children who are manifesting various levels of psycho-social dysfunction and who have come to the attention of authorities because of various acts of delinquency. We have closely monitored the progress of these programs and the activities of juveniles who have benefited from them. I am pleased to report that our post-placement evaluations indicate the level of recidivism to be approximately 25 percent. Although this certainly leaves room for considerable improvement, the fact that we were able to measurably assist 75 percent of the children in our facilities in making a more personally satisfying and social acceptable contribution underscores the project's inherent value as community based activities. Again, without the cooperation of the OJJDP, it would have been virtually impossible for our Agency to develop such resources and make them available to children and adolescents in Washington State.

Another area in which the OJJDP has made a measurable contribution pertains to the matter of education and training of personnel concerned with the field of juvenile delinquency and prevention. I have personnally been able to benefit from participation in such training programs and with the cooperation of the federal office, have been able to implement a localized training program which was open to various agencies and individuals within the Western Washington area. These skills and training experiences are now being incorporated by the participating individuals in implementing their respective duties as members of Diversion Boards, Juvenile Probation offices, child placement agencies, Youth Service Bureaus, etc.

Finally, I believe that the OJJDP has been instrumental in promoting critical research which can provide valuable clues as to appropriate program design, modification and development. In our own area, we have been most fortunate in being able to capitalize on these kinds of services with a view to developing a comprehensive plan within the Northwest region that avoids costly duplication, emphasizes methodology which is effective resulting in a broad juvenile prevention system which has measureable imputs in our area.

While I have provided just a topical defense for continued funding and support of the OJJDP in this communication, I strongly hope that my illustrations will serve to encourage your support for the federal office and that you will be able to encourage your colleagues to also adopt a favorable view of this office and its most worthwhile endeavors.

Very sincerely yours,

EARL H. DANGELMAIER, ACSW,
Executive Director.

GREATER BOSTON STREET YOUTH: THEIR CHARACTERISTICS, INCIDENCE, AND NEEDS

(By Margaret B. Saltonstall, The Bridge, Inc.)

FOREWORD

The cooperation of many people was essential to the completion of this report and grateful thanks are extended to all those who so willingly participated.

Individual observations and ideas of all Bridge staff members were insightful and prescient. Staff input was crucial in the preparation of the client questionnaire and the interview schedules. The Runaway and Drug Counselors and In-Service Trainees provided invaluable assistance in developing the informal screening process which ensured client accessibility and involvement. Particular thanks are due to the Executive Director and Administrative Staff of Bridge whose wise advice and counsel played a major role in guiding the project throughout its duration.

One hundred and forty-seven young Bridge clients shared their thoughts and concerns, recounted their experiences—often painful in the telling—and articulated their hopes for the future. They offered numerous sensitive and constructive suggestions which are included in this report. To them go singular thanks and gratitude.

I. PURPOSE, METHOD AND SCOPE OF STUDY

The Bridge, Inc. (Bridge Over Troubled Waters) has helped thousands of wandering and/or homeless children and youth since 1970. In 1978 alone, the staff had contacts with 21,458 young people through its medical van, dental clinic, streetwork team, and "in-house" counseling at the headquarters, 23 Beacon Street, Boston, Massachusetts. Some of these young people are runaways, others are victims of physical, sexual, and psychological abuse, or throwaways—the so-called "orphans of the living"—but the largest group are the "street people", adolescents and young adults, most of whom have no fixed residence and whose lives are unstable and chaotic at best.

Bridge's statistical records, comprehensive, extensive and invaluable for program development as they are, do not document certain information about the heretofore undescribed street population which the organization serves. No authenticated examination of the incidence, general characteristics, and needs of this youthful subculture in the Greater Boston area had been undertaken, although for some years Boston has been nationally recognized as a major locus of such a group.[1] What was available was at best fragmentary, consisting of disconnected and disparate impressions unsupported by hard evidence. Questions needed answering—most important of which were the all-inclusive

"is Bridge meeting the needs of those we are mandated to help?"
"what do they need or want that Bridge is not providing?"
"how can Bridge do more?"
"are there program changes that should be made?"

The proposal was made that "in-house" research be undertaken when feasible in an effort to provide answers to some of these pressing questions.

The broad objectives of a research project were outlined by the Director and the Resource Developer and presented to the staff for suggestions, criticism, and extensive discussion which lasted more than three months. Client questionnaires and interview schedules were drafted, modified and expanded, redrafted and finalized only when total staff agreement as to content, method of presentation and procedures was reached. This paper, "Greater Boston Street Youth: Their Characteristics, Incidence and Needs", is a response to that combined staff effort.

The in-house study commenced in late December of 1977 and continued throughout 1978 in order that seasonal variations, if any, could be observed. The sample group of young people numbered one hundred and forty-seven; participation by the clients was entirely voluntary.

Questionnaires were self-administered in the main Bridge facility. There was no distribution of questionnaires on the Bridge Medical Van or at the Bridge Dental Clinic because of limitations of time, space and the unavailability of sufficient counseling staff in the event debriefing was indicated.

The fifty in-depth interviews were also held in-house and conducted on a one-to-one basis without limit of time.

Participants were assured that the information they provided would be held in confidence and that their anonymity would be preserved. They were advised and encouraged not to reply to questions they did not wish to answer.

Bridge records for former years were carefully scrutinized with the exception of individual case records. These were not examined nor incorporated in the findings of this study because of their confidential nature. The client data reported here are therefore original.

Other agencies, social and governmental, and individuals whose activities touch upon Bridge's target population were consulted for pertinent information and were helpful. Additionally, existing writings about street children and youth in other urban centers was reviewed.

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[1] Segal, Baunmohl, and Johnson, "Falling Through the Cracks; Mental Disorder and Social Margin in a Young Vagrant Population".

Types of Street People

Three distinct types of street children and young adults have come to Bridge during the past eight years, whom the staff describe as follows:

The "flirter"—he is seventeen years of age or younger, habitually absent from school either without the parents' knowledge or with their tacit acquiescence;[2] he spends the day with others of his peer group, congregating on the Common and similar public places, but invariably returns home at night to sleep.

The "binger"—he has a similar life-style during the day but his sleep habits are erratic; he may not return home for several nights, and allays parental concern by saying he is "staying over" with a friend. This pattern may become a prolonged cyclical one with a week or more at home, followed by a week or more on the street.

The "hard core" street youth—spends twenty-four hours a day on the street and literally has no home. The reasons for this are multiple: the parent may refuse to let him in; he may, for reasons known only to himself, refuse to go home; he may have "eloped" from one of the Commonwealth's protective or judicial systems—a foster home, group home, mental health facility, detention center and, occasionally, a jail or house of correction.

Although Bridge provides services to everyone described, a major program effort is directed toward helping the "hard core" street children and young adults. This group provides the material which follows.

It is painful, indeed poignant, to classify children in their teens as "hard core" street persons, but they are present in number on the streets of the City of Boston and its suburbs today.

Exactly how many there are remains an unknown quantity. It has proved more impossible to obtain an accurate head count of youthful street people than of the older, less mobile group of homeless adults who make up a substantial part of the street population, a project that was undertaken a few years ago.[3] With few exceptions, one of which is the Pine Street Inn,[4] private agencies do not keep running totals of the numbers of young persons who approach them for help in meeting their complex of survival needs. Public records from official sources do not contain the categorical information necessary for such a tabulation. A consensus of opinion estimates the number of youthful street persons at between 1,000 and 2,000 on any given day.

II. CHARACTERISTICS OF THE GROUP STUDIED

The ages of the young persons who participated in this series cover a thirteen-year age span. There are more females (81) than males (66) in the total group: this inequally in numbers is not reflected in Bridge's average client caseload. It indicates only that proportionally more girls and young women were willing to take part in the survey. Racial and ethnic identifications fall within normal expectations of 1980 census figures. Table 1 illustrates these groupings.

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[2] A phenomenon peculiar to Boston which frequently reflects racial unrest in the city's public schools: Twenty-two percent of children in grades 1–12 are absent on any given school day according to a report issued on January 27, 1979 by the Citywide Parents Advisory Council, created to monitor the desegregation process as part of the federal court's 1974 desegregation orders. Many of the 14,000 out-of-school youngsters—an "incredible" figure—"Congregate in 'fast food' restaurants, subway stations, and outdoors in places like the Boston Common. One popular hangout is an amusement center located in downtown Boston near the Combat Zone. It was the site of a recent stabbing". The Boston Globe, January 29, 1979.

[3] This total population was estimated to be between 5,000–8,000 by the former Director of the Homeless Adult Unit of the Department of Public Welfare. It is unsubstantiated and though by some observers to be high. From a report on *Emergency Services,* U.C.P.C.; by Paul McGerigle, April 1977.

[4] Pine Street Inn receives D.P.W. reimbursement on a per capita basis for beds provided nightly to "unemployable men".

TABLE 1.—147 STREET YOUTH

1.A.—AGE AND SEX

Age	Number of street youths		
	Male	Female	Total
13	1	2	3
14	4	11	15
15	5	20	25
16	8	13	21
17	12	7	19
18	7	7	14
19	7	9	16
20	4	6	10
21	3	1	4
22 to 26	15	5	20
Total	66	81	147

1.B.—RACIAL COMPOSITION

Race	Number	Percent
White	122	82.99
Black	17	11.56
Hispanic	4	2.72
Native American	4	2.72

1.C.—ETHNIC IDENTIFICATION

	Number	Percen
Italian	40	27.21
Yankee	28	19.04
Irish	29	19.72
French Canadian	18	12.24
Spanish	4	2.72
Portuguese	3	2.04
West Indian	2	1.36
Jewish	1	.68
Welch	1	.68
American Indian	4	2.72
Unrecorded	17	11.56

The great majority are Massachusetts natives and have stayed in the Commonwealth by choice. More than half of the total group (58.50 percent) have always resided in a city and there were half again as many suburban residents (24.48 percent) as rural (17.01 percent). Residential patterns are explained in Table 2.

TABLE 2.—RESIDENTIAL HISTORY—147 STREET YOUTH

Place of origin	Total	Percent	Residential setting left	Total	Percent
Massachusetts	110	74.82	City	86	58.0
Other [1]	37	25.17	Suburb	36	24.48
			Rural	25	17.01

---

[1] Arizona (3), California (4), Connecticut (4), District of Columbia (1), Florida (2), Illinois (3), Louisiana (1), Maine (1), Maryland (3), Michigan (1), New York (6), North Carolina (1), Oklahoma (2), South Carolina (1), West Indies (1), West Virginia (3).

No accurate examination of the economic background of the participants could be made since the information provided about family income and employment was incomplete. Ten individuals reported parents engaged in academic or professional pursuits; twenty-four replied "don't know"; more than half of the total group left the economic questions blank. Although the absence of this information is regrettable, it is understandable and not significant. Young people are often reluctant to seek such information from their parents and if they do receive it are equally reluctant to divulge it to strangers.

Family situation

A careful scrutiny of the family structure of the group as a whole revealed that only 55 young persons (37.41 percent) were living in two-parent households at the time of their departure. For the remaining 92 (62.58 percent), a disorganized living arrangement was the rule: their parents were divorced, separated, remarried, never married or the young people themselves had been placed in a foster or an adoptive home.

Comparative figures for the state are not available for the total age range (13–26) in this survey. However, 1970 federal census data reported 86.3 percent of Massachusetts children 18 years of age and under were living with both natural parents. Of the 97 young persons in this sample who are 18 years of age and under, only 36 or 37.11 percent resided in two-parent households. Despite the sharp increase in the divorce rate since the 1970 census, this figure points to an extraordinarily high concentration of family disruption in this series.[5]

Additionally, individual interviews revealed the presence in some households of an inactive parent—one who took no part in family decision-making, verbal disputes between a child and the other parent, and who did not intervene in instances of actual physical violence involving the child and his siblings or the other parent. The children who described this passive or inactive parent also expressed strong resentment of the parent and hostility to such behavior.

The young people in this series were discontented or dissatisfied with the living circumstances they left—whatever they might have been; in other cases they were summarily thrown out. To leave, for some, represented a heretofore unfulfilled need for independent decision making. Conflict with their parents or disagreement with a parent-figure; failure to meet parental demands and expectations with respect to life-style, choice of friends, educational achievement, leisure time activities or employment were the most common reasons for departure. Many, as Table 3 makes clear, left for a combination of reasons.

TABLE 3.—REASONS FOR LEAVING "HOME"

Cause	Number	Percent
Parent/child conflict	114	77.55
Child abused	47	31.97
Thrown out	33	22.44
Emotional problems	31	21.08
Desire for independence	13	8.84
Sibling problems	9	6.12
School problems	6	4.08
Peer Problems	4	2.72
Multiple reasons	110	74.8

The number who left because they were abused or thrown out (Throwaways)[6] was significant, striking in its magnitude and seemed excessive. No current or accurate documentation is available on the total number of children in Massachusetts who have been abused in their homes or thrown out of them each year. In an effort to acquire some perspective on the dramatic increase in the incidence of these two factors, the children 17 and under in this series who reported themselves as "abused" or "throwaways" were isolated from the sample. They represent 70.21 percent of all abuse cases in the series and 48.28 percent of the "throwaways" total.

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[5] The Honorable Francis J. Poitrast, presiding justice of the Boston Juvenile Court, suggests a correlation between family dysfunction and juvenile delinquency. In a radio interview in late December 1978, he remarked that over fifty percent of the juveniles appearing before his court came from broken homes.

[6] Throwaway children are those who literally have been ejected from their homes and told never to return.

The figures were then compared with the incidence of abused and throwaway children in a 1973 report by the Massachusetts Committee on Children and Youth[7] with the following result:

	1978 bridge series total (83 children)		1972 MCCY series total (178 children)	
	Number	Precent	Number	Percent
Abused children	33	39.75	16	9.0
Throwaway children	16	19.27	8	4.5

This further reinforces the view of several Bridge counselors that young people who leave home prematurely today do so for more serious and compelling reasons than they did even a few years ago. The number of Huckleberry Finns on Boston's streets has decreased sharply and the flower children have vanished altogether.

Experience has demonstrated that the longer a young person is "on the street" the less likely he is to return to the setting he left. For some—the "throwaway" in particular—the option of returning "home" does not exist at all. The fact that most (75.51 percent) of the individuals in this series had been away for more than six months makes such a possibility extremely unlikely.

TABLE 4.—LENGTH OF TIME ON STREET

Age	1 week to 3 mo	3 to 6 mo	6 mo to 1 yr	1 to 3 yr	3 yr and over	Total
17 and under	23	11	15	15	19	83
Percent	(27.71)	(13.25)	(18.07)	(18.07)	(22.89)	
18 to 26	2	0	8	11	43	64
Percent	(.312)		(1.25)	(17.18)	(67.18)	
Total	25	11	23	26	62	147
Percent	(17.00)	(7.48)	(15.64)	(17.68)	(42.17)	

The estrangement they felt when they left does not appear to have abated during the street experience. At best, contact with "home" is sporadic and tenuous. Only one-fourth of the group maintains better than occasional family communication. It should also be noted that when a relationship is renewed it is frequently with a favored sibling and not with a parent.

It proved possible to measure the educational achievement of the individuals in this series with considerable accuracy. Taken as a whole they are undereducated for their chronological age: only 13.6 percent have completed a high school education. However, 76.87 percent were at normal grade level (or above) for their age at the time they left a structured living situation. Few have advanced beyond this cut-off point; street living has precluded further formal education.

III. PRESENTING AND UNDERLYING NEEDS

It is difficult to ask for help under the most auspicious circumstances. For the young street person, already mistrustful of others and fearful of yet another rejection, seeking help can be a threatening and stressful experience. It is perhaps significant that the individuals in this series were able to express their own needs more freely and explicitly on the self-administered written questionnaire which preserved their anonymity than they were in conversation. The compilation of these needs[8] shows them to be a group experiencing extraordinary hardships when they apeared at Bridge for the first time.

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[7] "Runaways and Street Children in Massachusetts", MCCY, Feb. 1973, p. 18. A follow-up report by the Committee in 1976 "Perspectives on Runaway Youth" reports (p. 11) an increase in children who cannot return home, but contains no hard figures.

[8] Individual problems, frequently drug/alcohol connected or emotional disorders, were sometimes unacknowledged initially, but later emerged and were assigned a suitable priority in the assessment of client needs.

TABLE 5.—PRESENTING NEEDS—147 STREET YOUTH

Need	Number of total group in need	Percent of total group in need
Food	70	47.61
Shelter	89	60.54
Clothing	71	48.29
Job training/finding	81	55.10
More education/G.E.D.	68	46.25
Drug/alcohol-related problems	69	46.93
Counseling	46	31.29
Money	63	42.85
Multiple needs	117	79.59

Although they are frequently without shelter, food, clothing—the basics of survival—they want, above all else, someone to love them, to care about or for them, to want them, even to notice them and provide relief from the overwhelming loneliness that is the constant of their lives. One hundred and twenty-one individual young people (82.31 percent of the series) wanted "someone who cared" above all else.[9]

They were asked to respond to the question, "How are you feeling about yourself these days" and their responses are summarized as follows:

TABLE 6.—EMOTIONAL INDEX—147 STREET YOUTH

	Number	Percent
Very happy	7	4.76
Pretty happy	15	10.20
Up and down	69	46.93
Pretty down	26	17.68
Very down	30	20.41

This self-assessment reveals a high incidence of depression and the reasons for it are many. Their positive life experiences have been minimal. Street living, fraught with danger, fear, uncertainty, hostility and hardships as it is, is physically and mentally exhausting. They have few successes to point to in their lives to date and are unable to anticipate any in the future. The concern for their well-being and the "caring" atmosphere they have found at Bridge often represents the first they have encountered in a long time.

The boredom of their lives also contributes to their depression. A large part of their days and nights is spent in search of basic survival needs—a place to stay, a place to get clean, a place to keep warm and get something to eat. It is a repetitious pattern that palls, and is often anxiety-producing, particularly when the search is fruitless. Their diversions are few—because they have no money. There is an unrewarding, monotonous sameness about their daily existence. Many of them have no fun at all.

IV. PRESENT WAY OF LIFE

The use/abuse of alcohol and other drugs by young people is a serious national problem; it is not one which is peculiar to the street subculture. The drug problem has permeated American schools, private as well as public: first confined to the high schools, it has filtered down through the system to such an extent that many youngsters have experimented with one drug or anoher before they are twelve or thirteen years old.

The young people themselves acknowledge that drug and alcohol use are the biggest problem facing their own generation.[10] The key reasons cited for the prevalent use of drugs and alcohol by the Gallup sample and this current Bridge series are identical. They are: escape from pressures—home, school, peer, societal, street-living, or from inner frustrations; conformity—being part of the group, doing the "in" thing; relaxing, having a good time, and the widely-held belief that individual performance and creativity are enhanced with drug use. Experienced professionals working in the field of substance abuse share the conviction that emotional problems and deviant behavior are not caused by excessive drug/alcohol use; they precede it.

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[9] This information was volunteered and acquired "by accident". The words "love", "loneliness" do not appear in the questionaire.

[10] Gallup Youth Survey. "Why Teens Take Drugs". Boston Globe, July 29, 1977, p. 31.

Only seventeen individuals in this series were abstemious and had never ingested any drug at any time in their lives. The majority use a wide variety of substances, alone or in combination. What they ingest at any given time is dependent on what is available at what price or what someone may offer to share during a casual street encounter. The older, wiser street person, who has had unfortunate experiences with a so-called "dirt-reefer" or similar adulterated drug is likely to be selective about the source of supply. But the younger unsuspecting child will willingly buy anything he can afford or take anything given him.

As a group they are singularly unconcerned about the potential physical and mental damage to themselves that can result from excessive use of drugs and alcohol. It requires skill, persistence and patience to engineer a successful attitudinal change in the drug-involved client.

During the course of this study, the participants reported an increase in the use of hallucinogens, PCP in particular, and a concomitant decline in barbiturate ingestion which is reflected in Table 7.

TABLE 7.—PATTERNS OF DRUG USE BY 147 STREET YOUTH

Substance and frequency of use	Number	Percent
Wine:		
Never	34	23.12
Occasional	71	48.29
1-2 week	14	9.52
3+ week	24	16.32
Stopped	4	2.72
Beer:		
Never	18	21.24
Occasional	62	42.17
1-2 week	18	12.24
3+ week	45	30.61
Stopped	4	2.72
Whiskey:		
Never	68	46.25
Occasional	44	29.93
1-2 week	9	6.12
3+ week	18	12.24
Stopped	8	5.44
Other alcohol:		
Never	47	31.97
Occasional	49	33.33
1-2 week	12	8.16
3+ week	31	21.08
Stopped	8	5.44
Tranquilizers:		
Never	76	51.70
Occasional	39	26.53
1-2 week	8	5.44
3+ week	18	12.24
Stopped	6	4.08
Marihuana:		
Never	26	17.68
Occasional	42	28.57
1-2 week	11	7.48
3+ week	66	44.89
Stopped	2	6.36
Hallucinogens:		
Never	72	48.97
Occasional	46	31.29
1-2 week	6	4.08
3+ week	16	10.88
Stopped	7	4.76
PCP:		
Never	70	47.61
Occasional	42	28.57
1-2 week	17	11.56
3+ week	11	7.48
Stopped	7	4.76
Amphetamines:		
Never	68	46.25
Occasional	55	37.41
1-2 week	8	5.44
3+ week	9	6.12
Stopped	7	4.76
Barbiturates:		
Never	90	61.22
Occasional	35	23.80
1-2 week	3	2.04
3+ week	10	6.80
Stopped	9	6.12
Cocaine:		
Never	77	52.38
Occasional	53	36.05
1-2 week	3	2.04
3+ week	9	6.12
Stopped	5	3.40
Heroin:		
Never	117	79.59
Occasional	14	9.52
1-2 week	2	1.36
3+ week	4	2.72
Stopped	10	6.80

The young people in this series received little or no medical care during the course of the study—a lack which is common among adolescents and young adults throughout the country.[11] A very few—those who suffer from seizures or diabetes—are routinely assigned to their care. For the most part they find available sources of care hostile and/or threatening: identification must be produced, forms have to be filled out. They rely therefore on the Bridge Medical Van for their health needs.

The four young persons of Hispanic origin in the series believed they were discriminated against because of their race. They contended that the derogatory attitude expressed by their white street peers influenced others who likewise came to perceive them as less desirable companions. In the competitive milieu of street survival they felt deprived of choices which were available to others and perceived themselves as outcasts from a society of outcasts. The Black youth in the series expressed no such anxiety and diminution in self respect. Both groups are, however, too limited in size to draw any firm conclusions as to the pervasiveness of racial discrimination in the street subculture.

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[11] Over a two-year period, 37 percent of the adolescent and young adult population go without any medical care at all. National Center for Health Statistics: *Vital and Health Statistics*, Series 11, No. 153. DHEW Publication No. (HRA) 76–1635. Washington; U.S. Government Printing Office; October, 1975. Page 16.

Many girls and young women spoke bitterly of their experiences with sex discrimination on the street. They believe they are more subject to rape and physical assault, to unprovoked overtures from pimps (reported to be increasingly violent and threatening) and to unwarranted police questioning and arrest "on suspicion" simply because they are females. Because they are where they are, they say they are constantly "pestered" by men, automatically assumed to be prostitutes and "fair game" for anything, when in fact many have left home to avoid just such abuses. Current evidence substantiates some of their assertions: 1978 saw a twenty percent increase in drug and sex-related crimes as well as a thirty-five percent increase in the number of females arrested in the Commonwealth, according to Joseph P. Foley, Massachusetts' Commissioner of Probation.[12]

The Commissioner further stated that the reasons for the sharp jump in female arrests would require additional research. As for the greater susceptibility to unequal treatment at the hands of the law, one highly placed government official recently remarked that a girl who is apprehended by a law-enforcement officer is more likely to be detained than a male. He then continues to say: "If detained, she is detained longer. If held, she is held in more secure institutions. The brutal truth is that the young woman who has done nothing more threatening to the state than run away from home is likely to be treated just as harshly as a young man who has held up a store." [13]

The young women also maintained that it was consistently more troublesome (often to the point of impossibility) for a female to find emergency shelter lodging for a night than it was for their male counterparts. This assumption proved to be entirely correct. The approximately 400 beds available nightly [14] for the homeless men and women of Boston is woefully inadequate. And the number of those specifically earmarked for men—270—is indeed disproportionate. Despite a commendable on-going effort by concerned groups [15] to expand emergency shelter facilities, no substantive change can be anticipated in the immediate future.

Trouble comes to people in many guises, at different stages of their lives, in varying degrees of severity. The children and young adults in this series are not strangers to it: for many of them trouble appeared earlier, occurred with greater frequency and had more serious consequences than for the general population. First came trouble at home which deprived them of a natural appropriate place to live with their own families and in their own communities. When most young person's growth pattern—in terms of protection, physical and emotional maturation, educational competence, life-coping skills and resources—is still on an upward curve, theirs has been severed, often at a critical and particularly vulnerable time in their lives.

Trouble abounds on the street and the risks of potential trouble for the street person has increased in the past several years as day-to-day street survival has become more difficult. Many of the sources of free (or very inexpensive) lodging food and clothing so prevalent in the late 1960's and earlier in this decade of the 1970's has diminished in inverse proportion to the need for them. Public facilities in airport and bus terminal waiting rooms or train stations no longer provide refuge unless an individual is in possession of a valid ticket for the day in question. Security police now patrol hospital waiting rooms; laundromats close at eleven p.m. The assumption that the young street population has declined is without any factual basis while its increasing poverty has become noticeable, and living is harder.

Street people are homeless. In common parlance they have no "roof over their heads" and do not know with any certainty where they will sleep on any given night.[16] They find shelter in bizarre places and in so doing can run into trouble.

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[12] Interview with radio station WEEI, January 7, 1979.

[13] John M. Rector, Director, U.S. Office of Juvenile Justice and Delinquency Prevention in "The Reality Gap for American Girls", The Boston Globe, July 18, 1978, p. 15.

[14] McGerigle, Paul, op. cit.

[15] The major current effort is led by The Coalition of Downtown Ministers.

[16] One resourceful fifteen-year-old young lady spends every night on top of an exterior ventilator at one of the city's bus stations where, she protests, she is invisible if uncomfortable.

Their beds are in the parks—on the benches or in the grass (city property); in subway or rapid transit stations (Massachusetts Bay Transportation Authority property); on the stairs in the hallways and doorways of abandoned buildings, in the back seats of parked automobiles (private property); and under shrubbery and trees (usually church property). Such beds are not only uncomfortable and unsafe, but can mark the end of living entirely within the law and the beginning of trouble with it. If discovered they can be, and frequently are, apprehended and found guilty of a variety of offenses—vagrancy, trespassing, breaking and entering, auto theft, to name but a few. If they are fortunate, a friend may offer occasional space or a bed in a room or an apartment—this is perhaps the optimum sleeping arrangement.

The end of the line, and it has proved to be just that for numerous very young, very unsuspecting and very desperate street people, is the bed offered and accepted from the pimps and the pushers who comprise one of the most dangerous and destructive elements in society today. The ramifications of accepting such an offer are unpleasant and can be life-threatening. Trouble with police for prostitution, possession of a controlled substance with intent to use, distribute or sell are commonplace occurrences. Such an association invites physical and emotional trouble. It is often an introduction to the violence of the streets and to that sick and vicious element of the population who do beat, rob, stab, rape and indeed kill not only the unsuspecting and unwary child but the more seasoned veteran of the street if its demands are not met.

Other necessities, which are so taken for granted most people never think of them, go hand in hand with rooflessness. Coping with basic sanitation needs—finding a bathroom, a place to change or wash clothes, to bandage a cut—presents a constant challenge. Free facilities are terribly limited, and when they can be found are rarely clean. To satisfy these needs, street people often resort to "spare-changing" (panhandling) which is illegal and another incipient cause of trouble. A comfortable chair, a book to read, a table to sit at are unheard of luxuries. The street person's life is devoid of comfort and of privacy.

Free food sources are scattered about the city. By a systematic adherence to a rigid schedule, travelling back and forth to assure arrival at the right place at the right time, a modicum of nourishing food is available at no cost.

Other means of allaying hunger and satisfying minimal nutritional requirements are either threatening or time-consuming. Stealing food is no longer a common practice. The risks involved are not worth the trouble that ensues if one is caught. The street culture, together with the so-called "straight" society has felt both the inflationary pinch and the influence of the health food faddists. It was, in the not-too-distant past, relatively simple to ask one individual for a dime for a cup of coffee. Today to ask for thirty-five cents for a glass of orange juice often means approaching three or four different people and the possibility of being apprehended is increased accordingly.

Like food which is donated, some free clothing is still available and accepted eagerly. If the garment provided is new, clean, well-fitting or an "in" style, it is even more welcome and meaningful. Street people seldom have clothes suitable to the season and never in a quantity to permit change for the sake of cleanliness or variety. Their garments are all too often inadequate: they are without warm sweaters or jackets or waterproof coats and are frequently wet or miserably cold. Well-fitting boots are something they dream about but do not own—this they regard as an additional deprivation in a youthful society where "your boots are your badge".

What clothes they do have are likely to be stolen from them—a not surprising fact given the informality of their sleeping arrangements. They steal from one another readily. If they manage to keep garments throughout one season, and they are still serviceable, they have no place to store them until they are needed next. Street people steal clothing more often than they do food, money or drugs. Whether they steal from clothing or department stores more often than do their counterparts living at home is a moot question. Probably not, since numerous children and young adults from both groups are apprehended for shop-lifting daily. Many children and young people who live at home break the law but are never apprehended or adjudged delinquent. The street inhabitant is far more vulnerable and susceptible to trouble with the authorities simply because he has no home. As a group the street people in this series are undereducated (See Page 10) and in consequence they are chronically underemployed. Most jobs available to them are menial. A few, who can provide a fixed address (more often than not fictitious) drive taxicabs. For most of them illegal activities provide the money they need to survive. This again results in trouble with the law as Table 8 attests.

TABLE 8.—LEGAL HISTORY—147 STREET YOUTH

Age	Major offense		Minor offense		No arrest record		Total
	Male	Female	Male	Female	Male	Female	
13	1	0	0	2	0	0	3
14	4	1	0	7	0	3	15
15	0	3	1	10	4	7	25
16	0	2	6	4	2	7	21
17	4	4	3	1	5	2	19
18	4	1	3	3	0	3	14
19	0	1	4	6	3	2	16
20	4	1	0	2	0	3	10
21	1	0	1	0	1	1	4
22 to 26	8	2	2	1	4	3	20
Total	26	15	20	34	19	33	147

V. CLIENT RECOMMENDATIONS

In the course of the project, fifty individual young street people were interviewed after they had completed the client questionnaire. None of the fifty was new to the Bridge staff: all had received or were receiving supportive help from one or more of Bridge's components. Their familiarity with the program combined with their street experiences provided a unique device for determining client needs, uncovering gaps in present services, evaluating the effectiveness of existing operations, and proposing changes in them.

Initially they were shy and drew back when asked to suggest improvements or additions which they felt might be interpreted as critical of the Bridge program. To do so appeared to be disloyal, ungrateful—even threatening in some intangible way. As one young man remarked when he was asked for suggestions, "* * * you just don't * * * even I don't * * * go out to bite off the only hand that's fed you". Once reassured that what they had to say would be confidential and useful, their reluctance dissipated and numerous insightful recommendations resulted. In some areas they project a positive note for themselves: for example, as in-service streetwork trainees or in-service peer counselors in a residential facility. This reflects the high value they place in the current in-service training program at Bridge, and the admiration and respect they have for their peers who are a part of it.

They made an eloquent case for an urgently needed small, multi-purpose residential facility at Bridge. This facility would house all current components (including the dental clinic) and in addition would provide: (1) shelter on an emergency basis to the desperate, the sick and the very young; (2) temporary shelter for others until mutually-agreed-upon stable living arrangements could be developed; (3) shelter without fixed limit of time for those trying to finish job training and establish an independent living situation. They are not proposing a Pine Street Inn for the young nor are they trying to put Bridge into the hotel business. Rather, they envision all Bridge current services under one roof, and an added small (twenty-two bed) residency program operated on the basis of need.

Such a plan cannot be dismissed out of hand an, despite all the weighty problems, pitfalls and difficult decision-making involved, should be considered in the organization's long-range future planning.

Those interviewed shared an over-riding concern for the physical safety of their young peers who are newcomers to the street scene. They know with a certainty born of bitter experience that events can move with a terrifying swiftness on the street and that what happens often happens without warning and with devastating effect on a young child. For this reason, they believe that Bridge should have more publicity: "The young kids out there need to know there's a place they can go and get helped". They do not envision a large-scale, sophisticated Public Relations venture. They suggest that the Medical Van go on a series of city-wide tours, making frequent stops at which time streetworkers assisted by clients would circulate and distribute flyers with the Bridge address, phone number, the van's regular schedule and any other pertinent information. Such is their faith in the competence and ability of the Bridge staff to cope with anything, that they saw no necessity for staff increase to accommodate an increased caseload. They also suggested periodic, intensive crash rescue operations conducted by Bridge streetworkers, carefully selected patrolmen and inservice trainees attached to the streetwork team to talk the younger children off the street and place them in protective shelter while the child's problems were resolved. The medical van, they believe, should be on the street offering health services seven nights a week.

The clients would like a shower in the client bathroom at the central facility at 23 Beacon Street. Keeping clean is important to their self-image and, as earlier reported, is difficult. If Bridge had a shower,[17] they attest, we would not have to "go out looking grubby and have people look at us and think 'there's another bum'. The cops pick you up if you're dirty and they're in a bad mood."

They suggest maintaining a "petty cash fund for clients" to help them with their transportation needs and to enable them to wash and dry their clothes since often, "If your clothes get dirty when you're on the street, you just have to throw them away". Such a fund would have the added advantage of "cutting down on the panhandling" and reduce the liability of arrest.

The G.E.D. (Graduate Equivalency Diploma) program is available to clients in Bridge's central office. Enrollment in it, however, is circumscribed by the requirement that one must be eighteen years of age to enter the program. Clients not yet eighteen would like to be in the program which is geared to individual need and level of achievement. The tutoring offered at Bridge is ideally suited to their needs. Indeed it is the only viable method of instruction for so many of them whose education has been on a catch as catch can basis since leaving home, and who would be uncomfortable and unable to function productively in a structured classroom setting. The feasibility of abolishing the present age requirement should be explored along with other efforts to continue their educational experience.

In recent months the staff has had informal social evenings for the clients which were universally enjoyed. Clients would welcome the development of a purely recreational program which would include weekend as well as evening activities.

A concluding note: There is minimal, if any, client awareness of the extent of extra staff time and extra funding which would be required if all their recommendations were to be implemented.

The material in this section has been excerpted verbatim from interviews and questionnaires and is presented without explanation or embellishment. It speaks for itself with unusual clarity and impact.

VI. CLIENT COMMENTS

About Their Lives

The best things to date have been:

"A pet cat."
"Absolutely Nothing."
"Everything turning beautiful on a sunny morning."
"Learning new things."
"Having a dog to show affection to."
"Nothing. Its boring."
"There was never anything good about it."
"Riding the subways."
"How simple it all was when I was little and how happy I was all the time."
"Learning things you never thought possible. Finding things out about yourself you've never known before."
"Nothing I can think of."
"My dog and my 11 year old brother. And thats absolutely all."
"Once when I was small and my parents took me on a picnic."
"My dog. She's part collie and part shepherd and I want her back."
"Spending my time in trouble because then I get a lot of attention."
"Thinking about the day someone will come and take me out of all this."
"I have no fond recollections."

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[17] Most available showers cost $1.00 (Y's). Others, the Salvation Army facilities are "almost always too aggressive with kids. Keeping clean on the road is easier because almost every truck stop has a shower".

And The Worst Things:

“Nobody cares about you. Nobody wants to know you.”

“Everything.”

“Its scarry at times.”

“Not having a Mother and Father.”

“No one hasn't cared about me.”

“Got beat up too much.”

“Misery, misery.”

“Not having a place to go home to. Not having a family.”

“Living on Planet Earth.”

“Being a Spanish person I can't go where I want since I'm not welcome.”

“Dying.”

“Getting knocked around by Father and Mother.”

“My family * * * did not want me. Been on my own since 11 except for a so call Aunt.”

“Getting beaten up by my step-parents.”

“Not having no one that cares.”

“Living on the street with drugs and violence. But its better to get beat up by a stranger on the street than by someone you care about at home.”

“Hunger and insecurity not having a home life.”

“Trying to Survive. My parents don't want me there.”

“Being alone and having no friends.”

“Taking your life in your on hands.”

“Staying Alive.”

“Not being in a warm house.”

“Being adopted because I wonder who my real parents are.”

“I'm afraid to die.”

“The constant darkness I seem to be in.”

“Trying to stay alive.”

“Being afraid to grow up.”

“Being on so many foster homes.”

“Its lonely and scairry.”

“I never stayed with my family after I was three and I have a social worker that's not too smart. She don't use her head.”

“Almost all the people I know and hang around with are not on the side of the law and they are not stable friends. I have on one to depend on in a time of crisis.”

“I have no one to talk to at night.”

“Knowing that I'll die soon.”

“Getting old.”

“Women are crazy.”

“The realization that all my fantasies (things that the Bible taught me should be true) may never come * * * I am disenchanted.”

“Not being sure of the reason for this life.”

“Being found after I ran away the first time.”

“I get lonesome. I wish I had a family.”

“Being cold is the worst thing.”

“Being poor. Its awful and degrading to be poor.”

“Violent people. There was too much violence at home and on the street too.”

“I don't have a group.”

About Their Parents

“I don't love my mother—how can you love someone who gave you and your two brothers away as if you were pieces of candy. I can't forgive her for that but I guess I respect her.”

“Maybe bad things will happen to me on the street but I'm more afraid to go back home to my mother. She drinks all the time and hits me and then my stepfather beats me. I've never seen my father or if I have I don't remember what he looks like. I want to go to Dallas, Texas to live with my father who loves me.”

“I'm not staying away from home out of spite. My father kicked me out. He just listens to my stepmother who hates me. I can't go home. I'm tired of being hurt and being afraid of being hurt and crying and crying.”

“My father was too hard of a person on the family; no emotional feelings shown or expected by him.”

"My Mother had lots of promble drinking hitting us and marriage."

"My mother can't handle taking care of kids."

"My stepfather he pick me up and throw me on the floor. He hit me in my head and stomach with a shoes. He said that he is going to messed up my face, etc. My Mother tell me nasty words, call me names."

"I hate my Mother."

"My mother has children without any idea of the responsibilities that go along with it. My father scroos up peoples lives * * * I do not have a home."

"My father—he's all pain. He's fussie, cheap, big liar * * * Why I hate my father is because he loves beating on women and me."

"My father does not communicate with me, in anyway and if I had a gun or anything I'd probably kill him—in order to make him pay some attention to me—and tell me that he loves me—but my father's biggest love is the bottle and race horses."

"My mother has been away from me not me away from her."

"My mother gave us kids up to welfare."

"Our family is no united."

"My stepfather beat me up almost every day and then no one would talk to me."

"I did not get along with my father and I did not like my father and I love Mother."

"It makes me tremble all over just to think about my father * * * a man who raped his own daughter and beat up his son."

"If you please your parents you please the world."

"I was never anything to my mother but another kid to feed and throw around when I was small * * * then when she thought I was big enough she told me to get out and not come back. I was thirteen."

"I would like to live on another planet with my mother. She's very adjustable but my father hates me."

"My father always came home drunk and would wake me up and beat me up. And my ma used to cry and I used to make her coffee after dad went to sleep and she used to talk to me and put bandages on my cuts and cry."

"I have a chipped tooth from where my mother threw me against the stove * * * once when she though I took a quarter she held me out the window upside down. I was nine then."

"I'd like to live my life over with my real parents who loved me enough to give me up when I was two."

"I want to live with my father in West Virginia * * * I don't know him but I know he loves me."

"I'm afraid my father will kill me * * * not kill me so hard they'd have to put me in the ground but he shoves me against the wall hard and he has such a bad temper especially if you nag him."

"I want to find my real mother and have her take care of me and I'll kill my stepmother who is the meanest of all the mean people in this world."

"My father was my whole life at one time but now that I'm older I'm drifting away and he doesn't like it * * *. He keeps yelling 'what did I do to deserve you you slut' * * * and when I won't eat spaghetti because I'm not hungry its an insult to the whole of Italy."

"I don't get along with my mother. My father just goes along with her and doesn't speak for himself."

About Themselves

"I want to feel good about myself. I want to be recognized by intelligent people as being worthwhile."

"I feel like a bum."

"I feel like a package that keeps getting wrapped up and mailed from house to house."

"Myself is the worst and the best thing about my life * * *. My head doesn't always get what it needs."

"I feel like a piece of furniture."

"I don't know where I'm going."

"I want to matter at least to one person."

"I would like to develop lots of relationships with people, put my past aside * * * and get through this life being as healthy as possible. Life is truly a chore. I'm exhausted."

"I have not accomplished a great deal in my life. I straighten out and then I go back to the old life * * *. I try * * * to work things out but that is probably not possible."

"I need to find myself and where I belong who I am and what I want and which direction to go in life."

"How would you feel about yourself if you had to do the things I've done to survive on the street * * * and its so lonely and so cold * * * its like that always. You're just alone.

"I would really like to start my life over again beginning at age 2."

"I'd like to be Bobby Brady in the Brady Bunch on T.V. or Timmie in Lassie with a close family who love each other and have new parents and be a normal kid. I want that childhood I never had and I want it so bad. So much * * * its another dream that can't happen."

"I want to make very good use of the time I have on this planet. I want to go to college and have a career I can be proud of and satisfied with."

"I'm depressed because I'm not doing anything."

"I am the main character in a modern day Perils of Pauline."

About Bridge

"I think that this is a very together organization, and it has helped me very much. Especially ———."

"* * * there is understanding here where there are times you cannot find it. I would be lost if I did not have somebody down here to talk to when I need them. There is really nowhere else to turn to."

"I know I need help with my life and I can find it here."

"This place is already working great. This is a helpful organization which asks nothing in return for services * * *. They have the van and the clinic. I'm going tonight and the fact stand outside and people to talk to you and food and that's terrific. They help you if you try and it kind of helps to have someone on your side. If they know you'll try they really stay with you."

"You can always come here. Everywhere else you have to make an appointment * * *. They're always saying they're too busy. Here * * * they don't send you around from place to place. They take time with you here."

"I'd like to say that if it wasn't for Bridge and ——— I wouldn't be here writing this."

"This project has benefited me a lot in wisdom of myself in past years."

"They do a lot here that is really needed. They should have more publicity so that more people—like the really young girls who are out there—would know they can be helped."

"Bridge is the one place where I always feel welcome and that people care about me. Other people have an investigative attitude but here they try to get to know you first and treat you as a person not a problem. They don't take you on a dependency trip * * *. They gave me the emotional back-up which was very necessary for me."

"Sometimes they are very strict with me. It makes me sad because then I won't have no place to go if they make me leave."

"Bridge is great * * *. I wish I had known it existed sooner."

"———is the Commander of the Bridge. She loves people so she helps them."

"I keep coming back here because I need help with my feelings and that is what they help me with."

"No one should be allowed to work at Bridge who hasn't been on the street and been through it * * * if the Counselors haven't been on the street they are walking cliches, suburban brats who give you pre-determined programmed responses out of textbooks from their liberal arts 90-day wonder kid degrees. I need psychiatric help and they don't have a psychiatrist here."

"They help me keep my sanity the first couple of years on the street when there were so many new faces and new religions that were strange and you had to get used to * * *. Now I know its time for me to plan, not dream and finish my education. That's how they help me."

"Its the first time I ever asked for help * * *. Now, of course, I wish that I had come sooner."

"I've been coming here for four years and they give me most what I need most * * *. They make me feel like they care about what happens to me * * * but I can't ask them for another childhood * * * how can anyone give you a childhood you never had or make you be born again with a whole new family?"

"Sometimes when I come in here I feel so good to be welcomed and wanted its like taking your first bike ride or the first time you catch a pass in football. They're the things you don't forget ever."

"They can't hold my hand forever but the feeling of closeness I need sometimes is here and they give it to me when I need it."

"They are very helpful here and respect your independent feelings and don't baby you. They have the best foster homes too * * *. I ought to know, I've been in seven in the last two weeks."

"They don't give up on you easily * * * sometimes I get drunk or something and don't do what I planned to do and don't keep dates with Bridge * * * they really want you to try. Sometimes I don't try."

"Everybody on this staff is great tho everybody shouldn't be. Some people who come in act awful and ungrateful and the people at Bridge try hard."

"When I called late at night, ——— came and got me and took me to this real super lady's house for the night. I was really scared and hungry and they fed me and were super nice to me. Then this morning ——— talked to me for a long time and to my father and really helped us both."

VII. AN OPTIMISTIC NOTE

The role of Bridge in the lives of the runaway children and young street people who have been helped either on the street, in the office, in the dental clinic, or on the medical van is not that of a salvage operation—timely, useful, necessary certainly, but a one-shot event. Rather it is a life-saving one which responds instantly to the critical life emergency, but remains to sustain, support, guide and encourage.

Instantaneous, magical solutions to an individual's kaleidoscope of problems are rarely, if ever, arrived at. These young people's problems are too serious, their emotional wounds are too deep. It is no exaggeration to say that some, when they left home, had only one choice to make—street life or death. Most had lived under conditions unusually detrimental to their health, growth, and development—circumstances any one of which signify the need for protective services as defined by The Child Welfare League of America.[18]

Malnourished, ill-clad, dirty, without proper shelter or sleeping arrangements
Without supervision, unattended
Ill and lacking essential medical care
Denied normal experiences that produce feelings of being loved, wanted, secure and worthy (emotional neglect)
Failing to attend school regularly
Exploited, overworked
Physically abused
Emotionally disturbed, due to continuous friction in home, marital discord, mentally ill parents
Exposed to unwholesomeness and demoralizing circumstances.

For almost ten years, Bridge has been the life saver for countless Boston street youth. Other people, their parents included, have rejected them, have no time for them. Most of them have gone through life unnoticed until, through one means or another, they arrive at Bridge and the slow, steady process of hauling in the lifeline begins.

This report would fail in its intent if the young people involved in it were submerged in the stark statistics of hunger, cold, drug abuse, rejection, depression, abandonment, etc., which were discussed earlier. It would be a great disservice to them to ignore those qualities that make so many of them want to improve their lives and inspire others to help them.

At the end of fifty interviews it seems fair to say that this is an idealistic group. They care a great deal. They care about the world they live in, and they care about the quality of life. They would end war, racism, crime, poverty, and pollution. They care about people, small children especially. They would end human misery, degradation, and unhappiness in whatever form it takes. They would strengthen family life; those who say they plan to marry and have children project a picture of a secure and loving household with their own children and foster children in a peaceful world.

Many value self autonomy, and take pride in the fact that they have survived on the street. They want to live truly independent lives and recognize the need to acquire the skills which will enable them to do so.

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[18] Standards for Child Protective Services, 1969. P. 10 CWLA.

They do not like "mean" people.

They are articulate. They are grateful for help and able to express their gratitude. Some are above average in intelligence, some are artistic, others have literary dexterity.

Many share a quality which is hard to put a label on: wistful expectancy, perhaps. It embraces the stoicism and resilience with which they meet the vicissitudes of everyday living; the desire to survive and the determination to do so; their hopes for the future which involve not so much material successes and gains, but philanthropic work in day care centers or an agency "like Bridge". Their idea of Utopia has grace and gentleness as they do themselves.

They are worth saving. No effort is too great. "Nothing is enough; we must keep doing more." [19]

APPENDIX A

A Glossary of Street Terms Compiled by the In-Service Trainees

Drugs

Amonitrate—poppers.
Benzedrine—bennies.
Butylnitrate—locker room, rush.
Cocaine—blow, breeze, CeeCee, ciz, coke, flake, girlfriend, lips, nostril, snow, Sally, Toot.
Codeine—aerosol, 292's, 293's.
Demerol—demi-tab.
Heroin—boy, Chinese green, dobee, fixer, horse, junk, Mexican mud, Mrs. Jones, scag, sister, smack, stuff, sugar.
Hycodan—harps, hypes.
L.S.D.—acid, anchors, blotter, clear light, disco acid, gunk, King Tut, Mr. Natural, orange sunshine, purple haze, pyramid green, rainbow, red dragon, sunshine, window pane, yellow sunshine.
Marijuana—Acapulco gold, bones, Bowie Maui, Columbian red, dew, grass, gungee, hash, Hawaiian, herb, Jamaican Brown, joints, Marry Janes, pot, red bud, reef, reefer, smoke, weed.
Mescaline—S.T.P., purple microdot.
Methadrine—crank, crystal, crossroads, hot rock, speed.
Opium—Thai sticks.
Percodan—endos, goofers, hay-hay, P's, pink, perks, yella bird.
P.C.P.—angel dust, angel hair, big D, Delta 8, Delta 9, hog, rocket fuel, spearmint, super weed, the boss, the killa.
Qualude—714, ludes, quaqua.
Valium—blues, bombs, rave, Vee's, white, yellow.

Other

Good—alright, bad, cool, dynamite, down with it, hot stuff, freaky, gonzo, slick, smokin', right on, sweet.
Pan-handling—bumming, spare changing, leaching, mooching, stemming, scrounging, scavenging.
Pick pocketing—dipping, playing the shots, spanking.
Place to stay—crib, crash, done, pad, place.
Stealing—clip, mug, roll, sting.
Under the influence of drugs/alcohol—blown away, bummed out, buzzed, cooked, discoherent, dusted, flying, freaked out, flashed back, high, mellow, nodding, perked, plastered, ripped, stoned, smashed, toasted, torn up, tripping, wasted, zipped, zoned out, zonked out, zooed out.
Break the ice—get what you want.
Chomping off, playing on your not—belittle.
Cop a square—borrow a cigarette.
Cruising—looking someone over.
Dealing—selling drugs.
From the get and go, from jumpstreet—since the beginning, from way back.
Girlfriend—fellow streetwalker.
The gallery—heroin dealer's house.
Hoeing—prostitution.

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[19] Barbara Whelan, Executive Director, in an unguarded moment in the Bridge hallway.

Hoe straw—area frequented by prostitutes.
Homes—person from the same place.
Homey—ugly.
Hustling—male prostitution.
The joint—jail.
Murphy—hoax by a pimp or prospective customer.
Nightrider—street person who robs other street people.
A player—manipulator.
Poo putt—low-class hustler.
Scamming—to blanket an area pan-handling.
Set of works—syringe, needle, cooker, etc. for drug injection.
Shank—hit with a heavy object.
Shine them on—agree with someone to keep quiet.
Spike—stab.
The spot—hustler's house.
Square job—9 to 5; 10 to 6 etc. with taxes deducted.
Tap it—communicate with a friend.

Program Update—Prepared by: The Bridge, Inc.

PROGRAM UPDATE—BRIDGE SERVICE COMPONENTS

1—Streetwork

During 1979, the Bridge streetwork team was temporarily reduced from four people to three. This was due to funding limitations in the spring; fortunately, this was the only service cutback required to deal with last year's financial difficulties. In the fall of 1979, the agency began its search for an additional worker to complete the team. Because of the need for streetworkers to serve as positive role models for youth on the streets, Bridge takes care to ensure that its streetworkers can relate to the needs of all youth—males, females, white youth, and minorities. A fourth streetworker was hired in January of 1980 to return the team to its full strength.

Statistics for 1979 show 16,426 streetwork contacts. This figure is down from the 1978 total of 21,458 but when one considers that there were only three streetworkers in 1979 compared to four in 1978, the number of contacts per streetworker actually increased from 5,364 to 5,487.

Two new developments in Bridge's streetwork activities should occur in 1980: first, the existing streetwork team will expand its service locations by working in the Washington Elms—Newtowne Courts Housing Projects in East Cambridge. This will be a six-month experiment; at the end of this period; Bridge will determine if working near these housing projects is an effective way of reaching out to alienated youth. Second, Bridge has received funding to hire an additional streetworker to be stationed in the "Combat Zone"—Park Square areas of Boston. Youth in these areas are particularly vulnerable to being exploited and/or exposed to criminal activities and violence. A streetworker, who could intervene in the "normal" risks youth face in the Combat Zone and Park Square, could help provide them with alternative opportunities for counseling, education, employment, and other support services at Bridge. The streetwork team leader is completing a needs assessment to determine how this additional streetworker might best make an impact on the needs of young people in these "high-risk areas of Boston.

2—Free medical van

In 1979, the demand for actual medical care on the van remained fairly steady; there were 1,940 visits for care compared with 2,089 in 1978. The van's outreach services increased as it reported 5,053 non-medical visits for food, referrals, informal counseling, and "drop-ins."

The purchase of a new microscope replaced one which was stolen in December of 1978 and the van is once again able to provide gram stains, wet preps, uranalyses, and other diagnostic services for its patience. An intensive drive to recruit volunteer physicians has resulted in an active pool of 22 doctors who work on the van, compared to 12 in 1978.

Future developments for the van include a proposed agreement with Children's Hospital to provide follow-up care for patients who need more extensive diagnostic tests or treatments which cannot be delivered on the van. Also, the van will follow Bridge streetworkers into East Cambridge and the "Combat Zone" as a demonstration of how Bridge can follow up its outreach programs with real services to meet youths' needs.

Based on the receipt of necessary funds, Bridge hopes to conduct a needs assessment/evaluation study of the Medical Van and the Dental Clinic to determine how both facilities might be modified to meet the changing needs of alienated youth.

3—Free dental clinic

In the fall of 1979, the Dental Outreach Worker, who had supervised the clinic's operations since 1974, left Bridge. In an innovative response to the need for new leadership at the clinic, Bridge replaced this worker with a part-time licensed dentist to assess the clinic's present operations and recommend any changes to improve its ability to respond to needy young people. This dentist is assisted by two youth participants who help maintain clinic equipment and who also staff its nightly sessions. The clinic recorded 1,480 visits for dental care in 1979, compared with 1,577 in 1978.

In December of 1979, a grant was received to replace the clinic's aging evacuator with a new one; other equipment needs will be the basis for future grant requests. A possible change in ownership of the teen center which houses the clinic is being monitored by Bridge staff regarding any impact this may have on the clinic's occupancy of rent-free space in the teen center.

Together with the Medical Van, the Dental Clinic represents the only portion of Bridge's service program which has not yet developed its own renwable funding base. Bridge staff will continue their efforts to secure such a base in the future.

4—Counseling services

In 1979, Bridge continued to experience a steady increase in the demand for personal counseling by youth who visit the agency's counseling center at 23 Beacon Street, Boston. In 1979, a total of 6,256 client visits were recorded, up 14% from 1978. This increase occurred despite Bridge's decision not to increase its counseling staff during 1979.

Toward the end of 1979, Bridge added a new component—the Youth In Service Participation Project—which provides for youth participation in the agency's total service program. While this project is described in more detail below, its inclusion of counseling and educational support services for youth should be noted here. Bridge now has its own full-time educational staff, consisting of a G.E.D. teacher and a bilinqual reading specialist.

Future plans for Bridge's counseling component include an expansion of its educational and career development services. The agency intends to develop stronger linkages with local schools and employment training programs to provide clients with a structured "next step" in their progress toward independent and self-sufficient lifestyles.

5—Runaway program

The number of runaways served by Bridge in 1979 increased over the previous year for the sixth year in a row. In 1978, Bridge responded to 297 individual runaway incidents; in 1979, this figure rose 14% to 339. The Bridge runaway counselor continues to coordinate the agency's services to these young people in crisis. Since October of 1979, she has been assisted by a youth participant who helps her to deliver services to runaway clients. Still, Bridge recognizes that expecting a single runaway counselor to respond to such a growing number of crisis situations is unrealistic. Local foundations will be requested to provide funds to hire an additional counselor to improve Bridge's ability to deal effectively with them any runaways it sees. This strategy is necessary because the federal government is unlikely to be able to increase its support for Bridge's runaway services despite its recognition of the high quality of these services.

In June of 1979, the U.S. Department of Health, Education, and Welfare recognized Bridge as the "exemplary" runaway center in New England. A copy of the letter informing Bridge of this determination is available on request.

6—Project home front

Calendar 1979 was the first year of service for this research and demonstration project to test the delivery of family life skills education services to teenage mothers and their babies. In that first year, 208 women were referred to Home Front, of whom 112 became active Home Front clients. Some 44 of their children also regularly accompanied their mothers to the Home Front offices at 150 Bowdoin Street, Boston.

The initial research and demonstration period will expire in October of 1980; a detailed research report on the needs of adolescent parents and the relative success of Home Front's attempts to meet those needs will be published by January, 1981.

7—Youth in service participation project

Bridge's newest service component, its youth participation/employment and training project, began in October of 1979. Through a federal grant, Bridge can now employ a total of 10 youth aged 14–21 as part-time staff in each agency service component. These 10 youth receive formal and informal training services while they work at Bridge, and in addition have access to personal and group counseling services. An important element of this project is delegation of program planning and development responsibilities to the youth involved. In weekly staff meetings, they discuss their future needs and plan strategies to meet them.

The Bridge youth project also requires that participants attend high school or spend at least six hours per week in an equivalent classroom education program. The G.E.D. teacher and bilingual reading specialist who work at Bridge through this grant not only serve this purpose for the 10 youth employed in the project; they also offer educational services to a number of other Bridge clients as well.

Future plans call for the agency to develop a referral network to encourage youth to take advantage of other employment, training, and educational opportunities in Boston. A joint grant request to develop such a link with employment/educational resources at A.B.C.D. is currently being considered by the Massachusetts Department of Manpower Development.

8—Research

In May of 1979, Bridge published *Greater Boston Street Youth: Their Characteristics, Incidence, and Needs*, by Margaret B. Saltonstall. This study was based on interviews with 147 Bridge clients in an attempt to quantify our knowledge of who these youth are and what types of services might best serve their needs. Bridge undertook the responsibility for such a report because (A) there is little documentation of the origins and needs of street youth; and (B) few other agencies are able to maintain contact with these young people.

Copies of the report were mailed to foundations and government agencies throughout Eastern Massachusetts. Additional copies are available on request from Bridge. The study found that 40 percent of the subjects aged 11–17 were victims of abuse, and 19 percent of these children in the same age bracket had not run away but were in fact thrown out of home by their parents. The most significant needs expressed by youth interviewed in the study were housing (61 percent), jobs (55 percent), education (46 percent), and money (43 percent).

Future plans for Bridge's research efforts include the initiation in March, 1980, of a study on the motivation of street youth. This study will focus on why youth choose to live on the streets and what sorts of reasons would convince them to seek alternatives to that lifestyle.

PROGRAM MANAGEMENT

Bridge administrative staff have stabilized funding for all agency services except for the Medical/Dental Component as of February 15, 1980. For fiscal 1979, this was accomplished through grants from local foundations in addition to Bridge's regular state, federal, and other funding sources. During fiscal 1980, increased funds have been secured from government agencies and local sources as well. Particularly noteworthy have been the receipt of H.E.W. funds to support Bridge's youth project and Bridge's acceptance as a United Way member agency effective January 1, 1980. The United Way voted to allocate $47,000 to Bridge from January–December of 1980. Because Bridge's fiscal years begin on July 1 and end on June 30 of each year, only half of United Way's allocation, or $23,500, may be spent in fiscal 1980. The remaining $23,500 will be available for the first half of Bridge's fiscal 1981. The result of this "overlap" of fiscal years means that Bridge still needs approximately $23,745 by June 30, 1980 in order to avoid closing this fiscal year with a deficit.

Perhaps the most significant improvement in Bridge's management systems over the past year was the institution of the agency's own evaluation mechanism. During the first week of October of 1979, all Bridge staff attended a week-long workshop for the purpose of examining the entire service program of the agency. Before this time, Bridge was evaluated four times annually by state and federal agencies. While these evaluations of Bridge continue to take place, agency staff felt the need to conduct a program evaluation based on the staff's own perceptions of youth's needs and how to address them in the most effective manner.

All Bridge operations were reviewed and subject to recommendations for improvement. A number of program changes which originated in this evaluation have already begun to take place. They include: the expansion of streetwork and medical van service areas to include East Cambridge, the hiring of a part-time dentist to replace the Dental Outreach Worker at the Bridge Free Dental Clinic, the continuation of Bridge's research efforts, and a number of meetings among different agency service components to develop increased continuity of services at Bridge. Because of the positive impact of the 1979 evaluation workshop, Bridge hopes to conduct similar workshops each autumn.

FUTURE PLANS AND GOALS

Bridge staff have identified two long-range goals for the agency which would improve its ability to respond to the needs of alienated youth. They are:

The establishment of educational programs and their possible evolution into an "alternative school" design.—Virtually all of the youth who come to Bridge have not yet completed a high-school education. However, at the same time, most of them have been alienated by their previous scholastic experiences and will resist any referrals to local schools, even "alternative" schools. Bridge has had some success in providing G.E.D. instruction at its counseling center; youth seem to respond well to the informal atmosphere maintained by agency staff. Because of the multiple educational needs of street youth, the addition of other teachers who could provide remedial and advanced academic instruction would help Bridge clients to prepare for success in school and unemployment where their previous efforts had resulted in failure.

Establishment of an intermediate shelter-care facility.—The most overwhelming need expressed by Bridge clients is for housing. Except for "crisis" shelters and other time-limited facilities, there are no resources to provide youth with a stable residence. While it is possible to arrange for youth to begin employment and then budget rent money out of this new-found income, this is a risky venture when the youth must begin work before he or she has a definite place to live. Arriving at the job on time, obtaining a social security number, and even landing a job in the first place are all made more difficult when one has no place to call home. For many youth, the ability to manage a household and pay monthly bills are skills which they must learn in order to live independently.

Bridge would hope to purchase a building in the Beacon Hill—Boston Common area of Boston and move its counseling, educational, and employment training programs into it. The building would also contain a number of small apartments which could be used to provide youth with living arrangements which are not long-term, but which are long enough to allow them to stabilize their lives and learn how to manage independent living. Such an addition to Bridge's present array of services would be an important way for Bridge to respond to one of the most difficult needs of homeless, alienated youth.

CONCLUSION

Bridge's unique outreach programs and its ability to provide a number of services needed by alienated youth have been at the heart of the agency's existence as the "first agency" to contact so many youth. Without extraordinary efforts on the part of service providers to meet these youth where they are, many of them cannot or will not attempt to reestablish contact with society. While Bridge does not try to establish itself as the only agency to which a youth will turn for assistance, it recognizes the need to demonstrate to its clients that there are resources available to help them, and that there are settings in society in which they can be respected as individuals.

Bridge's goal for all of its clients is for them to return to society as individuals who can make independent choices about their personal and career goals. Bridge sees its immediate responsibility to be the provision of services to help them survive and to reestablish trust between the youth and society. After this crucial period is past, Bridge works to link the youth with other community resources—employment opportunities, educational facilities, specialized social service programs, etc.—who can integrate their resources with the continuing needs of the youth as he or she progresses toward an independent lifestyle. Thus, Bridge sees its responsibilities to fall into the following two tasks:

To provide services which are designed to meet the needs of individual alienated youth; and

To advocate for an increased ability to respond to alienated youth by the human service community.

True to its name, Bridge "bridges" the gap between street youth and straight society, working to bring each group within closer reach of the other. As the agency reaches its tenth anniversary on June 24, 1980, its staff, volunteers, and clients look forward to a new decade of leadership in the field of youth services.

PART VII.—ADDITIONAL STATEMENTS OF PRIVATE CITIZENS

(From the Juvenile Justice Digest, April 1980)

OJJDP—A QUEST FOR AUTHORITY

(By John Rector)

The authority to act was an essential element of the *Juvenile Justice and Delinquency Prevention Act's* establishment of an office within the federal government to address juvenile justice issues.

In a report to Congress a year after the *JD Act's* passage in 1974, the General Accounting Office said "the law provides increased visibility to the problem and a focal point for * * * juvenile delinquency activities in the federal government by creating the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

"* * * This will be the first organizational unit that can identify existing and needed resources identify and set priorities and develop strategies to implement a comprehensive attack on juvenile delinquency," the GAO said, adding that "for the first time, specific efforts to both prevent and control juvenile delinquency will be one agency's responsibility."

Even chronic pessimists, however, would be shocked to learn that six years after the acts passage, delegation of grant award authority remains a central issue of debate.

BEGINNINGS

The movement to establish by law a distinct OJJDP began six decades before passage of the 1974 act. At that time, the government initiated studies in the field of juvenile delinquency. By 1926, statistics on delinquency were being reported. In 1935, the Social Security Administration's Children's Bureau was administering child welfare grants supporting a wide range of activities, some of which were oriented toward delinquency prevention.

But prior to 1952, other than gathering statistics and supporting activities and studies incidental to child welfare work, there was little evidence of federal concern.

This passive approach changed significantly in the 1950's. In 1953, the Senate Judiciary Committee established a new Subcommittee to Study Juvenile Delinquency in the United States and a separate juvenile delinquency project was within the Bureau.

In 1955, the State of the Union message delivered by President Eisenhower called for federal legislation to assist states in dealing with juvenile delinquency. In a major bill introduced that year, Sen. Estes Kefauver proposed that the Bureau and its juvenile delinquency unit be elevated to an Office of Children's Affairs to report directly to the secretary of HEW.

The Kefauver bill proved so controversial, however, that the legislation was later introduced separately so as not to jeopardize the programmatic aspects of the HEW measure.

Although Kefauver's measure did not become law, by the end of the 1950s the Children's Bureau had established the Division of Juvenile Delinquency Services to develop standards and provide technical assistance for public and voluntary agencies in delinquency protection and control services.

With strong Kennedy administration support, the activities of the previous decade culminated in 1961 in passage of the *Juvenile Delinquency and Youth Offenses Control Act*. Initially the act was administered by an Office of Juvenile Delinquency and Youth Development in the Office of the HEW secretary. However, in 1963 an Office of Juvenile Delinquency within HEW's new Welfare Administration was assigned responsibility for the program.

In 1968, it was expected that the *Juvenile Delinquency and Control Act* would support and continue the best programs developed and evaluated since 1961.

However, the act was not well received by the Johnson administration. Although a new Youth Development and Delinquency Prevention Administration was established by HEW within Social and Rehabilitative Services, the understaffed and underfinanced unit was without a director for two years.

Sen. Birch Bayh, chairman of the Senate's Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency, said in 1971 that the program's lack of significant success could be linked "to a great extent, not in the conception and design of the act but rather in its inadequate administration."

In 1971, the program and its non-statutory unit were in great disfavor. The National Governor's Conference narrowly defeated a resolution to abolish the HEW office. Others suggested that it be elevated to the level of HEW's Office of Education. Still others proposed the establishment of a separate and independent juvenile institute.

At the same time, criticism was also leveled at LEAA by Sen. Bayh for its failure to establish any juvenile unit. The final conclusion of oversight hearings held in 1971 was that there was no centralized leadership and no entity with the authority to act at the federal level in the fight against juvenile crime.

ESTABLISHING OJJDP

Few were surprised in February 1972, when Sen. Bayh proposed legislation to establish in the Executive Office of the President a national Office to coordinate, review and evaluate all federal juvenile programs.

In the spring of that year, Senate Republicans proposed legislation also designed to provide appropriate authority and visibility to the federal juvenile delinquency effort. The Republican bill would have established a Juvenile Administration within HEW, comparable to LEAA within the Justice Department.

The need for a separate federal office to focus on juvenile delinquency and to exercise proper authority and accountability permeated congressional hearings in 1972 and 1973. Nixon administration officials from both HEW and LEAA opposed this concept and supported the *status quo*.

In the fall of 1973, with the Watergate Scandal in full bloom, the Senate balked at establishing a national juvenile office within the White House "at a time when . . . there is serious need to strengthen existing departments of government."

As a result, a bill was reported out in March 1974, establishing the OJJDP within HEW with a full delegation of authority. This prospect awakened the *status quoers*. They were determined, although they had been unable to defeat the bill, not to allow more progressive juvenile supporters to control its implementation.

Tragically, they succeeded. In order to assure passage of the landmark *Juvenile Justice and Delinquency Prevention Act*, it was agreed to place OJJDP within LEAA without statutory delegation of authority.

In September 1974, just after President Nixon resigned, President Ford rejected veto recommendations from his Office of Management and Budget, HEW and the Department of Justice, and signed the *JD Act* into law.

To enhance its visibility, the OJJDP was to be headed by a person selected by the President and confirmed by the Senate. The OJJDP was also given statutory authority over all LEAA juvenile programs which were required to be maintained by LEAA at a constant level.

OJJDP's legislative authorization was not made parallel to LEAA's to reinforce the juvenile office's separate identify, clearly an effort to make sure OJJDP would not be eclipsed or dominated by issues arising out of the LEAA reauthorization cycle.

Thus, at least on paper, the Congress for the first time had mandated the establishment of a separate office to focus on juvenile delinquency. Regrettably, however, it was nearly a year before the OJJDP was actually set up. Even more time elapsed before its first head was nominated and it was never given more than an illusory delegation of authority by the LEAA.

In fact, the LEAA administrator and general counsel retained all actual authority. Even OJJDP's program announcements and annual reports were signed by the LEAA administrator. OJJDP was a paper tiger.

A SORRY CHRONOLOGY

A multitude of explosive issues arose regarding the LEAA's failure to implement the act. Had OJJDP been delegated the authority Congress anticipated most of these problems would have been avoided or quickly resolved.

This sorry chronology of LEAA domination is well documented in the Senate Judiciary Committee's two-volume report, *Ford Stifles Juvenile Justice Program.* Typical of the manner in which the central issue of delegated authority arose is the following dialogue in May 1976, between Subcommittee Chairman Sen. Bayh and the LEAA Administrator:

BAYH. " * * * the whole thrust of this program was to try to have someone with the authority to act to stop the buck passing * * * I am sure you have enough other decisions to make so you will not miss this burden.

VELDE. "I have generally ratified what Mr. Luger (the OJJDP administrator) has recommended * * * "

BAYH. "I believe this authority must apply to the LEAA maintenance of effort (MOE) funds as well as the Juvenile Justice Act funds. Are we on the same wave length? I don't want to make a Supreme Court case out of this, but if we are going to get results this is what must be done."

VELDE. "Although I retain an interest, concern and commitment in this area, Mr. Luger is a Presidential appointee. He knows the field better than I, even though I did have a couple of years experience as a staff member on this subcommittee. He has had a career in the field and I certainly defer to his expertise and judgment."

BAYH. "I don't wish to demean your responsibility * * * However, the whole thrust of this act was to bring in someone that could really pull the old and ongoing efforts together with the new programs, knock some heads, and in consultation with you, put this program together so when we have oversight hearings you could be doing something else. I know that would pain you greatly, but the person who is running the program with the proper delegation of authority would be on the hot seat."

All efforts to obtain a proper delegation of authority for OJJDP from LEAA failed. Thus, three years later when the OJJDP reauthorization bill was introduced, Sen. Bayh emphasized, again, the vital importance of a proper delegation of authority when he observed:

"We intended in 1974 that LEAA administer this program through the new office and that it (the OJJDP) shall be delegated all the administrative, managerial, operation and policy responsibilities * * * "

Reauthorization hearings yielded a broad range of opinion regarding the authority and related OJJDP issues. Lee Thomas, a member of the LEAA task force that established OJJDP, testified on behalf of the National Conference of State Criminal Justice Planning Administrators (now the National Criminal Justice Association) and against the Bayh bill. Thomas spoke to the authority issue as follows:

"The National Conference opposes any other section which wrest control of the Juvenile Justice Act from the direction of the (LEAA) administrator * * * A major problem with the OJJDP has been that it has virtually been a separate agency within LEAA * * * What is far greater control and coordination by the (LEAA) administrator over this entity running adrift."

In stark contrast, Christopher Mould, one of the few persons actually involved in development of the act and representing the Collaboration for Youth, testified that OJJDP had been:

"* * * Wholly dominated and subordinated by LEAA's superstructure and the bureaucratic patterns and policies developed for administering the *Safe Streets Act* (SSA) * * * (and) the office * * * treated by the LEAA leadership as a mere appendage * * * Implementation of the *JD Act* has almost been smothered in appropriate regulations, policies and guidelines developed for the SSA * * * (and) engrafted to the *JD Act* * * *"

Mould concluded his testimony by recommending that a statutory delegation of authority to make grants was essential.

Similarly, the presidentially-appointed members of the OJJDP's advisory committee recommended that the:

"* * * Assistant Administrator of the OJJDP be delegated all administrative, managerial, operational and policy responsibilities related to the act * * * Under the present arrangement the assistant administrator bears the responsibility without having the corresponding authority."

Some spoke of establishing an OJJDP separate from LEAA, but the general sentiment on this was reflected by the National Youth Alternatives Project (now the National Youth Work Alliance):

"The drawbacks of such a move include the cost of establishing a parallel system of support services for the office apart from LEAA and the difficulty of coordinating juvenile justice activities * * * under maintenance of effort provisions of the *Safe Streets Act*."

The Project also emphasized that a proper delegation of authority to OJJDP should lead to more effective operation of the program.

CONGRESSIONAL INTENT REITERATED

Following the hearings, strong statements of congressional intent regarding a proper delegation of authority for OJJDP highlighted each of the 1977 reports on the reauthorization legislation. The Senate Judiciary Committee report stated flatly that "the LEAA administrator did not delegate the authority for the assistant administrator to fully implement the program."

The committee noted that it had in 1974 and was again in 1977 underscoring the "importance of the office" and the need for "authority and necessary clout to carry out the act's mandates unfettered by intermediate review or ratification."

Attorney General Griffin Bell echoed similar intention in a May 1977, speech when he stated that "we will delegate to OJJDP authority to run all LEAA youth programs * * *"

RENEWED BUT NAIVE OPTIMISM

The reauthorization legislation clarified the authority of the OJJDP and to facilitate implementation of the program, the head of the OJJDP was made an associate administrator of LEAA ratner than an assistant administrator.

In the summer of 1977, with renewed, through somewhat naive, optimism, the OJJDP began to acquire a role within LEAA more consistent with its mandate. The juvenile formula grant program (65 percent of the OJJDP budget) was transferred from the LEAA's Office of Regional Operations to the OJJDP with its head delegated full authority to implement its provisions—including the removal of non-offenders from secure placement and the separation of incarcerated adults and juveniles. The OJJDP administrator no longer reported to an LFAA deputy but directly to the LEAA administrator. OJJDP signed its own program announcements and even had its own stationery.

The OJJDP continued to acquire—bit by bit—its mandated authority. In early 1978, the LEAA administrator approved a major OJJDP reorganization and manpower increase. OJJDP was able to acquire its own legal advisor and a new policy, planning and coordination division.

The new division was responsible for program development, policies and procedures, budgets and guidelines; the coordination of federal programs and the OJJDP advisory committee; and the maintenance of effort activities. Additionally, the division's fiscal branch monitored fund flow, the processing of grants and generally monitored the operation and productivity of each OJJDP division.

Late in 1978, OJJDP acquired its first and to date only delegation of authority to award discretionary funds. Nearly 60 grants totalling $6 million for projects designed to curb the detention of non-offenders and the jailing of juveniles were awarded.

During oversight hearings that year, the OJJDP administrator again stressed the difficulty associated with being held accountable but not being delegated proper authority.

Others, however, persisted in their opposition to change. The representative of the National Conference of State Criminal Justice Planning Administrators testified that "* * * the administrator (of OJJDP) has effectively freed himself from accountability to either the acting LEAA administrator or the Attorney General. * * * In essence the office has been going its own way."

Unfortunately, the reality was that OJJDP still had far to go to free itself. Each discretionary grant, after being cleared by the LEAA comptroller, the OJJDP staffer, the OJJDP division head and the OJJDP administrator was (and still is) reviewed and subject to rejection by the LEAA comptroller, auditor, general counsel, grant review board and, finally, by the LEAA administrator.

THE FOURTH BOX

While the LEAA hierarchy continued to withhold full delegation of authority, a new forum for discussion of the issue developed. A department-wide juvenile justice reauthorization task force rejected additional authority for OJJDP or the office's separation from LEAA—the so-called fourth box. The task force recommendation to the Attorney General who later concurred, supported the status quo.

Major arguments against further delegation and/or the fourth box included:

A proliferation of semi-independent agencies would increase administrative costs and complexity.

Since OJARS has limited ability to resolve conflicts and insure coordination, a separate entity would create more confusion.

The creation of a specific juvenile justice system component is logically inconsistent with the OJARS restructuring along functional lines (i.e., assistance, statistics and research).

Major arguments for the fourth box included the claim that the OJJDP would be able to much more expeditiously review and award grants and that such an organizational change would assure that OJJDP would have the authority commensurate with its responsibilities.

However persuasive, both of these important objectives can easily be obtained for the OJJDP within LEAA through proper delegation of authority. The delegation route would also avoid the cited pitfalls involved with the establishment of a new bureaucratic unit—not the least of which would be the creation of endless confusion in the field, which at this juncture is only beginning to realize the original objectives of the 1974 JD Act.

ROLLING BACK PROGRESS

With the delegation of full authority and the fourth box rejected by the Justice Department, the LEAA general counsel in early 1979 drafted an OJJDP reauthorization measure ostensibly consistent with such policy judgments. The general counsel's bill added an amendment that would have substituted the LEAA administrator for the OJJDP administrator as the vice-chairman of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Fortunately, the administration bill—recently introduced by request by Sen. Bayh (see story, Vol. 8, No. 6, p1)—did not incorporate this provision to further dilute OJJDP authority.

The effort to diminish the OJJDP role continued. In the spring of 1979, both the OJJDP legal advisor and the policy, planning and coordination division, which were so vital to productivity in 1978, were abolished and OJJDP positions were reduced.

In short, modest progress by OJJDP toward the realization of its mandate has been all but eliminated. On the brink of fiscal year 1980, the OJJDP found itself more ill equipped than in fiscal year 1976.

Later in 1979, the issue of delegation of authority was referred to a management task force by the LEAA administrator. The task force recommended that OJJDP be dropped as a member from the LEAA grant and contract review board.

If this were not enough, the OJARS transition task force selected by the LEAA administrator concluded in November 1979, that OJJDP should remain within LEAA with no additional authority.

The Department of Justice has echoed similar sentiments in response to questions raised by the Senate Appropriations Committee. The department asserted that OJJDP as a fourth box under OJARS could "result in needless duplication of administrative services and would be inconsistent with the functional division of programs underlying the Justice System Improvement Act." The department also supported the repeal of the non-parallel authorization period which has helped to assure a distinct OJJDP identity.

Recently, the LEAA administrator also stripped the OJJDP of key responsibilities under the formula grant program, such as the final decision on whether the state of California should be dropped from the program because of its comingling of juveniles and adults in secure institutions.

NO "SUMMER SOLDIERS"

For many who have been involved in the more than half-decade effort to secure proper authority for OJJDP, it is difficult to be optimistic. Such endeavors are certainly not for "summer soldiers." It is long-distance runners who make a difference in such matters.

Yet, there is hope. The new LEAA administrator, Homer Broome, does not seem inhibited by past policies. His proposed reorganization of LEAA significantly increases OJJDP's profile. Also, he will soon consider a proper delegation of authority for OJJDP. Such positive action on his part, which is exclusively within his authority, would certainly endear him to key congressional sponsors and other long-term proponents of the JD Act.

Hope springs eternal.

Editor's Note: John Rector was the OJJDP administrator from June 1977 to May 1979. Prior to that Rector was staff director/chief counsel (1973–77), deputy chief counsel (1971–73) for the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, and prosecutor of police brutality cases, Department of Justice Civil Rights Division (1969–71). Rector is a graduate of the Berkeley School of Criminology and Hastings College of Law.

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OVERVIEW: THE UPS AND DOWNS OF THE OJJDP FUNDFLOW SEESAW

'I HOPE YOU DO EVERYTHING POSSIBLE TO GET UNOBLIGATED FUNDS TO FOLKS WHO CAN USE THEM'

(By John Rector)

When former President Ford chose to ignore the veto recommendations of his staff and signed the *Juvenile Justice and Delinquency Prevention Act of 1974*, he hastened to add that his administration would not seek funding for the new program.

Congress authorized an appropriation of $350 million for OJJDP's three initial fiscal years. Ford cited the availability of LEAA maintenance-of-effort funds required by the act as adequate support for the nation's juvenile crime and delinquency prevention effort.

The presidential request for an actual OJJDP appropriation was for less than 10 percent of the authorized $350 million ceiling and provided nothing for FY '75 and '76. Even an effort to reprogram surplus LEAA money, a strategy approved by the administration's Office of Management and Budget (OMB), was overruled.

At more than a dozen encounters between members of Congress and the Ford administration, there was heated debate over OJJDP funding. Bipartisan congressional forces, led by the *JD Act's* author, Sen. Birch Bayh (D-Ind.), defeated several administration attempts to defer or rescind money appropriated for the OJJDP. Eventually, the office was provided with $140 million for fiscal years 1975, 1976 and 1977.

From the outset, the Carter administration has provided only modest support for OJJDP funding. In 1977, the *JD Act* was extended for three years with an authorized appropriation ceiling of $525 million. A reflection of administration support was the Attorney General's requested appropriation of $50 million for fiscal year 1980 when $200 million was authorized for that particular year.

Fortunately, Congress appropriated $100 million to the OJJDP for fiscal years 1978, 1979 and 1980.

Until 1977, the primary issue of debate was OJJDP survival. When compared to other federal youth programs, the OJJDP war chest was meager. Little attention was focused on OJJDP's allocation of its discretionary dollars. Few speculated there was a slowness, much less a backlog in the discretionary dollar obligation rate.

When the *JD Act* was extended, the setaside for special emphasis discretionary funding was cut by 50 percent. The cut was largely the result of natural tension between governmental interests and the private, non-profit organizations that benefit most from discretionary grant awards.

Had Congress know at the time it reviewed and amended the act's provisions that the OJJDP was hoarding many millions of dollars in unobligated discretionary funds, that category would have no doubt been cut even more drastically.

During its formative years, the OJJDP was the object of considerable opposition in many areas other than funding. In all fairnes, it is important to state that multi-faceted Justice Department opposition to the program significantly diminished the abiilty of the OJJDP, and the willingness of the LEAA, to obligate *JD Act* funds in a timely manner..

During the *JD Act* reauthoriation hearings in the spring of 1977, the acting LEAA administrator pointed out that only six percent of the fiscal year 1975 and 1976 *JD Act* formula grant funds had been expended by the state planning agencies (SPAs) and only 27 percent of the expended dollars had been subgranted for specific projects.

Still, while it was becoming apparent that the OJJDP was experiencing chronic difficulties in spending even a small portion of its formula grant appropriation no concern was voiced regarding the obligation rate for *JD Act* discretionary funds.

In fact, while OJJDP officials conceded that such funds had not yet been actually obligated, they said the money had been earmarked for specific programs and projects. They even intimated that the OJJDP would have been able to handle more money for discretionary grant awards in fiscal year 1975, 1976 and 1977.

DISCRETIONARY 'REFORM' DOLLARS

The OJJDP's ability to distribute funds on a discretionary basis was an integral part of the compromise which in 1974 transferred the federal juvenile program from HEW to LEAA. It was intended by Congress that those invloved in youth crime prevention and juvenile justice system refrom efforts, especially non-traditional private groups, be able to receive *direct* support from the OJJDP.

In short, it was intended that the OJJDP discretionary funidng procedure for such groups include *only minimal involvement* of the traditional LEAA block grant delivery system through the SPAs. The Senate Judiciary Committee on the 1977 *JD Act* amendments left no doubt about this matter:

"The Committee strongly emphasies and reaffirms the intended role of State Planning or local agencies regarding Special Emphasis assistance. Namely, as Senator Bayh explained, that under 225(b)(5) and (8) they have solely an advisory role and under no circumstances do the views of such agencies have a determinative effect. These sections were intended merely to infrom those agencies of Special Emphasis grants and contracts."

Each year, discretionary funds amounted to nearly 40 percent of the total appropriated by Congress for the OJJDP. In addition to special emphasis funds the OJJDP had discretionary money available in the categories of concentration of federal effort, technical assistance and the National Institute for Juvenile Justice and Delinquency Prevention.

As the *JD Act* reauthorization process continued through the summer of 1977, if any general impression existed at all regarding OJJDP discretionary funds it was that hundreds of worthy applicants had been unfortunately rejected because of a lack of money.

After confirmation, the new OJJDP administrator named by President Carter learned otherwise. OJJDP was in the final quarter of fiscal year 1977 and had on hand $44 million in *JD Act* discretionary funds—only $19 million of which had been appropriated for fiscal year 1977.

Somehow the OJJDP had managed to squirrel away more than 70 percent of all the discretionary funds appropriated to the office since 1974. With less than three months remaining in fiscal year 1977, the OJJDP had not yet completed a single special emphasis initiative or major discretionary program.

THE FUNDFLOW PROBLEM

Those who struggled for years against tremendous odds to make certain that discretionary funds were available to the OJJDP could hardly fathom an explanation. Many factors contributed to this astounding situation with all its scandalous potential.

As noted, Congress intended that OJJDP discretionary dollars be awarded *directly* to grantees. But with few exceptions, and only to the extent such funds were obligated, the awards were made to the very SPAs Congress had intended to bypass.

The internal audit staff of the Justice Department found that this practice had a direct bearing on the OJJDP "fundflow" problem. A March, 1979 report submitted to the Attorney General concluded in part that:

"Grants were awarded to SPAs for subgranting to the projects rather than awarding grants directly to the projects * * * These decisions did not further the intent of the *JD Act*, and also contributed to delays in initiating some projects * * *"

The audit report refers directly to OJJDP discretionary funds awarded to SPAs for diversion projects:

"Problems were encountered in awarding the grants as a result of the decision to fund the projects through the SPAs * * * award was delayed (five months) because the SPAs included two special conditions * * * by August 1977, the Milwaukee project was not fully operational (awarded Sept., 1976). A similar situation existed with the three New York projects. The grants were awarded on Nov. 26, 1976 but as of June 30, 1977 the New York SPA had awarded a contract to only one of the projects."

A second and more direct cause of the funds backlog was the OJJDP policy decision to whenever possible expend *Crime Control Act* (CCA) money transferred to it from the LEAA in lieu of *JD Act* funds. For example, in 1976 the OJJDP diversion initiative was funded with $8,445,060 in CCA discretionary funds (Parts C & E) and only $111,858 in *JD Act* discretionary funds.

OJJDP officials explained to Justice Department auditors that the primary reason for using CCA funds was that there simply was not enough *JD Act* discretionary money available to support all the program initiatives planned for 1976.

In reality, except for the transfer of $6 million to HEW, the diversion initiative was the only major OJJDP program in all of 1976. Similarly, the deinstitutionalization of status offenders initiative was the only major discretionary program funded by the OJJDP in 1975—and it, too, was funded primarily through SPAs with CCA dollars.

The auditors found that after three years the OJJDP had awarded $25 million in CCA discretionary dollars and $28 million in *JD Act* discretionary funds—and the latter figure included transfer of the $6 million to HEW already mentioned and $12 million in expenditures by the OJJDP's National Institute.

SABOTAGED JD ACT

At the next congressional oversight hearing, the new OJJDP administrator characterized these and other related OJJDP/LEAA policies as actually having sabotaged the *JD Act*. Use of CCA funds in lieu of *JD Act* money not only helped create a horrendous backlog under an administration opposed to any funding for the program, but it also kept key aspects of the *JD Act* inoperative.

For example, the act required that 20 percent of discretionary funds be awarded to private non-profit groups. The act also had a preference for a soft or inkind match. A cash match was required for CCA (Part E) funds for which private, non-profit groups were not even eligible.

Importantly, the continuation funding section of the *JD Act* was also left dormant by such practices. In 1976, for example, the general counsel for the national SPA conference wrote the OJJDP special emphasis program director urging the use of CCA funds for the diversion program. This, in part to avoid the continuation funding policy of the *JD Act*.

STAFFING PROBLEM CRITICAL

OJJDP's fundflow problems were complicated by the fact that the office did not and has never had sufficient staff. Although reasonable people will differ about such things, a management firm's study of the office's grant award and management process which focused on the fundflow problems, found that:

"The office was initially staffed with personnel from LEAA's existing juvenile unit. Largely because of this and because LEAA opposed passage of the *JD Act*, the newly created office did not institute new programs in response to the act. Old programs were continued but with increased funding. One result of this approach was that millions of dollars of multi-year funds were not awarded in a timely fashion. This backlog of funds and a staff disinclination to explore new programs concepts were inherited by the new OJJDP administrator."

Ironically, "heady" policy discussions on new strategies seemed to abound at OJJDP. Several supergrade staffers were enlisted through fellowship grants and interagency transfers to devote their time to such esoteric matters. All the while, what was needed was a bread-and-butter, nuts-and-bolts drive to obligate discretionary funds in conformance with the objectives of the *JD Act*.

Fortunately, contemporaneous with the discovery of OJJDP's backlog, a detailed review of OJJDP funding policy was completed by the LEAA's Office of Planning and Management. The report made the following suggestions to the new OJJDP administrator:

The office's various subunits should be centrally controlled and directed so their functions are effectively integrated.

The range of special emphasis priorities should be narrowed so there are fewer programs to develop and manage.

Multi-year grants of larger dollar value should be awarded.

Applicant eligibility should be restricted or grantees preselected so as to diminish the number of proposals submitted, and the role of the SPAs as funds recipients should be eliminated.

OJJDP'S OPEN DOOR

The new OJJDP administrator adopted each of these recommendations. A new planning, policy and coordination division with staff expert in fiscal-program issues was established. An essential aspect of the new unit's eventual success was its legal advisor component.

Concomitant decisions to fund organizations directly, rather than through SPAs, and use the *Federal Register*, rather than the SPA national conference, as the primary vehicle for communicating policy and promulgating new regulations subjected the OJJDP administrator to tremendous political pressure. Nevertheless, the office held fast to its new open door policy.

During the next year, the new trend in OJJDP administration generated a myriad of comments, charges and even threats. The new division, especially its fiscal staff, were constantly criticized by certain OJJDP staffers and LEAA officials as "too much, too fast, too different." At the same time, the new OJJDP administrator was characterized as insensitive, brutal, arrogant, anti-union, racist, sexist, Machiavellian and even in need of "value clarification."

With the word out on the OJJDP's fundflow problems, there was little sympathy in Congress, especially in the House oversight committee. Rep. Shirley Chisholm (D-N.Y.), formerly a staunch ally of the office, blasted the OJJDP in the spring of 1978 for the three year discretionary funds backlog. Chisholm cited the backlog as her reason for not fighting for the OJJDP budget that year.

Fortunately, others on Capitol Hill disagreed with the New York Democrat. Sen. Bayh fought for a $140 million appropriation for OJJDP to help fund new programs on restitution, youth advocacy and children in custody.

The new wave of OJJDP activity also met with considerable opposition within LEAA. In retrospect it seems that most objections were based on increased workload rather than actual opposition to reform efforts. Clearly, the road would have been considerably less rocky had the OJJDP been delegated proper authority to award its own discretionary grants with the exception of $6 million awarded directly by the office for nearly 60 projects designed to remove juveniles from jails and prevent the incarceration of non-offenders, each discretionary grant awarded in 1978—even after OJJDP approval—was submitted to the LEAA comptroller, grant review board, general counsel and administrator for final approval.

In spite of these and other obstacles, the OJJDP had a banner year. In fiscal year 1978, the office awarded $12 million in CCA discretionary funds, $61 million in JD Act formula grant funds and more than $65 million in JD Act discretionary funds. With the exception of several controversial children in custody grants awarded early in the next fiscal year, the OJJDP concluded fiscal year 1978 with a carryover of less than one percent of money available to it on Oct. 1, 1977. In contrast to fiscal year 1977 when 48 discretionary grants totaling $12 million were awarded, the OJJDP awarded 178 discretionary grants totaling nearly $80 million, in fiscal year 1978.

Certain OJJDP critics likened the office to a ship flying only one flag—deinstitutionalization of status offenders. In truth, this was the congressionally mandated objective of the JD Act's formula grant program and it did generate considerable controversy and resistance.

But an actual review of the office's discretionary funding pattern, especially in fiscal year 1978, revealed that such a characterization was inaccurate. Starting with the summer of 1977, the OJJDP invested $12 million in the prevention initiative; $20 million for children in custody programs covering incarceration from the non-offender to the serious offender; $20 million for the restitution program; $6 million for assistance targeted on female juvenile offenders; $3 million for the landmark law-related education program; $7.5 million for an extensive number of model programs; $2 million for concentration of federal effort; and millions more for essential evaluation of major OJJDP programs. Diversion/school violence, which had been funded in fiscal year 1976, the serious offender youth advocacy and alternative education programs, were all nearing final preparation stages. Those who discerned only one flag atop the OJJDP ship, simply missed the boat.

GETTING THE AXE

Concurrent with the OJJDP's record activity, was the administration's development of budget cut plans. In late June, 1978, the OJJDP's fiscal and political picture changed drastically when the Justice Department was told to cut its upcoming fiscal year 1980 budget proposal by $112 million.

Historically, such cuts were absorbed by the LEAA and in this case the OJJDP was requested to bear the brunt of the cut. The OJJDP administrator refused, in writing, to voluntarily implement the requested $50 million reduction, stating that in view of the record performance anything but a cut was in order.

Nevertheless, the OJJDP budget reduction was ordered and in August, when the office appealed, it was to no avail. The stated reason for the cut was that traditionally the office had not obligated its discretionary funds. It was assumed that this pattern had continued and when OMB, LEAA and Justice Department officials learned of the unprecedented OJJDP activity they were both amazed and alarmed.

The decison makers involved were already beyond the point of no return as far as ordering the cut, but suddenly they found themselves in search of a new excuse. In the end, they seized upon the fact that the SPAs had a backlog of juvenile formula grant funds on hand. The SPA backlog was characterized as a "pipeline" problem. A subsequent General Accounting Office report to Congress completely debunked the "pipeline" argument.

SPA'S ENRAGED

The proposed fiscal year 1980 budget presented to OMB by the Justice Department in late September reduced *JD Act* formula grant funds from $64 million to $16 million, down 75 percent, and cut discretionary funds by six percent to $34 million—$5 million for special emphasis; $6 million for concentration of federal effort; $10 million for technical assistance; and $13 million for OJJDP's National Institute.

As word leaked out on the new "pipeline" theory, the SPAs became enraged. Ironically, however, it had been testimony by the SPA National Conference which inaccurately predicted a massive surplus of dicretionary funds that started the ball rolling at OMB to cut the OJJDP by $50 million. The end result was cruel yet poetic justice.

Simultaneous with the presentation of the Justice Department's proposed OJJDP cut to the OMB, the fiscal year 1979 OJJDP program plan was approved by the acting LEAA administrator. Unfortunately, a change in LEAA administration reflecting a more established approach, coupled with the pending budget cut for the agency, combined to delay final approval of the plan until mid-January. OJJDP did, however, continue to obligate its discretionary funds at the record clip of fiscal year 1978.

UNWISE, UNNECESSARY, UNFAIR

During the fall and early winter of 1978, the "pipeline" excuse for cutting the LEAA/OJJDP budget in fiscal year 1980 was the subject of considerable debate. The states organized and made considerable impact on Capitol Hill. Finally, the proposed OJJDP cut was redrawn with the formula grant allocation increased to $30 million and the discretionary funds reduced to $20 million. Curiously, although the cut was to be shared throughout the OJJDP, the "pipeline" argument was retained as the official rationale for slashing the budget proposal.

As the controversy continued, Sen. Edward Kennedy (D-Mass.), called the cut "unwise, unnecessary and unfair." Sen. Bayh told the Senate Appropriations Committee he was extremely disappointed by the Carter request for OJJDP, adding "there is no credible basis on which to conclude that these funds are being subgranted and awarded at unacceptable rates or that large amounts of these funds remain uncommitted to specific juvenile justice projects."

The Justice Department persisted with its inaccuracies, however. For example. Attorney General Griffin Bell told the Senate Judiciary Committee that the OJJDP did not spend any of the $100 million allocated for the previous fiscal year and that OJJDP would be lucky to spend the $50 million requested. At best. the AG was stubbornly parroting assertions made in early 1978 and long since proven false.

In March, 1979, the OJJDP administrator responded to the AG's charges. In reference to the testimony before the Senate Judiciary Committee, the OJJDP head said. "Such persistent inaccurate statements about my efforts and OJJDP performance make the management of OJJDP an even greater challenge. It would be informative to know the why of all of this but for the record the facts are as follow:

"By 1/78, nearly 50 percent of the funds available to OJJDP had been awarded.

"By 10/78, the OJJDP had awarded all but five percent of the $136 million *JD Act* dollars available to it on 10/1/77. The five percent was earmarked and in fact awarded very early in fiscal year 1979.

"Indeed, some of the activity throughout fiscal year 1978 was frantic. It took frantic, though well-planned efforts, to make the OJJDP a productive unit. The proof is in the pudding, whether measured by the funds awarded, grant activity or the quality of the programs funded.

"In fact, if anything, the third and fourth quarter activity of the OJJDP was more balanced than other major LEAA offices.

"This year (fiscal year 1979), we are continuing our record-setting pace. To date, more discretionary dollars have been awarded than the total for fiscal year 1977 and $59 million, or 95.9 percent of our formula grant funds have been awarded. As a matter of fact, by March 1979, 70 percent of the $107 million in *JD Act* funds had been awarded. As of Feb. 5, 1979, these awards accounted for 48 percent of LEAA's total awards.

"Certainly when the dust clears, objective folks will determine that we have addressed the past failure of the LEAA regarding the OJJDP. It is my view that OJJDP is the victim of its success, not its failure."

There were more objective, non-political folks in the Justice Department. In March, 1979, the departmental audit of OJJDP discretionary fund flow reported that the "administrator of OJJDP has initiated a policy of utilizing *JD Act* funds prior to using CCA funds, and grant awards under recent initiatives have been made directly to projects. These actions have been effective in eliminating problems."

Likewise, the Spring Planning Call Fiscal Year 1981 Zero Based Budget Estimates prepared by the Justice Department included the following narrative on the OJJDP:

"It is important to view the funding history of this program for an understanding of the importance of a moderate increase over the current funding level. Since initial fundings of the program in late fiscal year 1975 up through fiscal year 1978, there were difficulties encountered in obligating appropriated funds on a timely basis. This resulted in large end-of-year balances of the juvenile justice program funds for carryover. In fiscal year 1978, an increased public awareness and a greater internal effort resulted in the obligation of all carryover funds as well as most of the $36.2 million appropriated for fiscal year 1978. Many new programs were funded and program initiatives implemented."

"SLOWDOWN"

In May, 1979, the OJJDP administrator resigned. During the remainder of the fiscal year, few new projects were developed and the office concluded the period without completing one major initiative. The $24 million earmarked for serious offender projects, youth advocacy and alternative education at the beginning of fiscal year 1979 was carried over into fiscal year 1980.

In spite of the record pace of obligations in the first six months of fiscal year 1979, the OJJDP carried over 40 percent of its discretionary funds. Some speculated that the LEAA/OJJDP hierarchy encouraged a "slowdown" to support the proposed budget cut. Others argued that the OJJDP had merely regained the character it displayed in fiscal year 1975, 1976, and 1977.

Since the "slowdown" started last May, the OJJDP has been relatively stagnant. In fact, no more than $13 million of *JD Act* discretionary funds have been awarded in the last 12 months. This is in sharp contrast to the more than $75 million awarded between May 1, 1978 and the same date in 1979.

In addition to a more leisurely pace, it appears that several other factors now bear on developments at OJJDP:

When the OJARS budget submission for fiscal year 1980 was presented to Congress in January, 1979, it stated that the OJJDP "intends to fund a major discretionary grant program on problems associated with violent juvenile offenders. It will target heinous crimes committed by repeat offenders with a major goal being the more expeditious prosecution of such cases." The program was publicly announced in February, 1979, but later dropped causing delay and replanning—all with a directly negative impact on fundflow.

A policy decision, now the subject of litigation, was made to not provide continuation funding for projects originally funded under unsolicited OJJDP programs. Thus, additional discretionary funds became available.

When it became apparent that the alternative education program would not be prepared until early 1980, OJJDP/LEAA officials refused to allocate funds for the continuation of 60 so-called Track II projects aimed at removing children from jails. Thus, $4 million of the funds available in October, 1978, are still unobligated.

The OJJDP has closed its doors completely to the funding of unsolicited projects.

Rather than awarding the total $63 million in available fiscal year 1980 formula grant funds to the states, the OJJDP set aside the amount that would have been awarded to non-participating states and then converted this money to special emphasis funds. This added to the discretionary dollar surplus and denied participating states the funds.

The OJJDP has scaled down the youth advocacy initiative approved by the LEAA administrator in September, 1978. Initially, the program was cut back to $7 million but reportedly may be funded at the $10 million to $12 million level. In any case, several dozen meritorious applications will not be funded and the leftover money will not be allocated.

CHALLENGE IS CLEAR

The new OJJDP administrator claims his office has a plan which will result in no carryover into fiscal year 1981. The challenge is clear. In the remaining months of the fiscal year, over $40 million in *JD Act* discretionary funds must be obligated.

Whether OJJDP succeeds or not is of no small consequence. Already, the House Budget Committee has voted a zero fiscal year 1981 budget for the office. Even the OJJDP's patron, Sen. Birch Bayh, considered including a provision in the pending Senate *JD Act* reauthorization bill which would have shifted all unobligated OJJDP funds as of Sept. 30, 1980, to HEW's Runaway and Homeless Youth program. Instead, the pending measure deals with unobligated funds by directing that they go to states participating in the *JD Act*, based on population, for programs aimed at removing children from jails.

If the OJJDP does succeed in obligating all of its funds it will probably be chastised for "dumping" the bulk of its fiscal year 1980 budget in the last quarter of the fiscal year. A House committee has reported out legislation limiting such fourth quarter expenditures to a level far below what is necessary for the OJJDP to succeed.

By killing LEAA, the fiscal year 1981 Carter budget eliminates nearly $100 million for juvenile justice programming heretofore provided by the *JD Act's* maintenance-of-effort provision. This leaves the OJJDP as the sole source of federal funds to prevent and curb juvenile delinquency and crime.

In this year of catastrophic budget cuts, if the OJJDP does not perform exceedingly well, few questions will be asked if a dramatic and perhaps fatal budget reduction is enacted for the office.

Expressing just such a concern to the current OJJDP administrator during a recent oversight hearing on the pending *JD Act* reauthorization measure, Sen. Bayh said:

"I would hope you do everything possible to get these unobligated funds out there to the folks that can use them, not only because that is solving a problem, but I know exactly what the president told us last year when he tried to cut the program in half. The reason for that was, "Well, there is money in the pipeline."

"The fact of the matter is, there was not money in the pipeline but when you have unobligated funds there about the time the Budget Committee is looking at next year's level, and in particular when we get into the appropriations process, if we continue to have significant amounts of unobligated funds, then it is going to be even more difficult for us to get the resources we need."

Editor's Note: John Rector was the OJJDP administrator from June 1977, to May 1979. Prior to that Rector was staff director/chief counsel (1973–77), deputy chief counsel (1971–73) for the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, and prosecutor of police brutality cases, Department of Justice Civil Rights Division (1967–71). Rector is a graduate of the Berkeley School of Criminology and Hastings College of Law.

[From the Juvenile Justice Digest, July 11, 1980]

JUVENILES IN JAIL: 1980

OR, WHAT YOU THINK YOU SEE IS NOT WHAT YOU GET

(By John Rector)

Close your eyes and throw a dart at a map of America. Anywhere the dart strikes it will be close to a community which illegally jails children or holds them in some sort of inappropriate detention. The jailing of children is a scandal without boundaries as expensive in human terms as it is in dollars.

Children are jailed in metropolitan, suburban and rural communities. White, black, Asian, Hispanic and Native American youths are in jail. There are "A" and "F" students, the tough and the helpless, some charged with a crime and some accused of no crime at all. There are young citizens held in jail awaiting a hearing or court action, transfer to a juvenile prison or some other placement. And, of course, some are just "doin' time."

As the reauthorization of the *Juvenile Justice and Delinquency Prevention Act* has proceeded through Congress this year, we have once again been asked to look in isolation at the issue of juveniles in jail.

But let us not ignore the harmful collaboration of those in the juvenile and adult criminal justice systems who aid and abet the inexcusable reliance on incarceration. Whether through the "helping" rhetoric of the former or the "punitive" pronouncements of the latter, once again much deceptive hyperbole abounds regarding the jailing of juveniles.

Unfortunately, today's so-called debate is being conducted in a vacuum with scant reference to past failures and successes. Sensitive veterans know, however, that emotional reformers blind to the past simply play into the hands of the *status quo.*

Indeed, past is prologue for the future. And it is with this in mind that the following chronology and observations are offered:

The jailing and inappropriate detention of minors was called a "national disgrace" twenty-five years ago in the first report of the Senate Judiciary's Subcommittee on Juvenile Delinquency. In addition to estimating that as many as 100,000 to one million children were held in such facilities, the subcommittee also expressed concern over the more than 1,500 youths under 18 confined in jails while awaiting disposition of their *federal* cases.

After describing a wretched but typical jail, and a well-kept detention "home," with brisk schedule and close supervision, the report noted:

"Anyone who recalls the warm imprint that two weeks in a good camp can leave on the life of a teenager can imagine by contrast the cold imprint that the detention home will leave. Will it make her want to live a better life? Not a chance. It will tell her 100 times a day that the adult world distrusts, despises, blames and hates her, and she will distrust and hate right back * * *"

Fifteen years later, while attempting to resurrect concern and set the stage for legislative and administrative responses at the federal level to this national catastrophe, a similar report observed:

"Children have been unnecessarily detained and held too long in order to build up justifiable caseloads; the detention home has become the 'catch-all' for neglected, dependent and delinquent children . . . An attempt has been made to tailor the (detention home) program to the needs of the non-delinquent and mildly delinquent children. Ironically, this has often resulted in the jail detention of the serious delinquents for whom the detention home was intended; the so-called detention home is no longer able to care for the serious delinquent or is overcrowded with children who do not belong there."

Witnesses for the subcommittee's hearings in 1970 suggested that regulations contained in the *Crime Control Act* for state plans submitted to LEAA be modified to provide an estimate of how many minors were being confined with adults and to provide a detailed schedule for the elimination of jailing youths under 18.

In the spring of 1971, the subcommittee's new chairman, Sen. Birch Bayh (D-Ind.), conducted hearings focusing on the inappropriate incarceration of those who could not vote.

Among the findings, which in 1972 were incorporated into the proposed *JD Act*, was the observation that detention rates varied greatly, from all children arrested to less than five percent, that half of those detained were ultimately dismissed; that the most serious problem in juvenile justice was the inappropriate admission of minors to detention homes and jails and the unnecessary time children were held pending court disposition; that such admissions were partly a function of the lack of established screening practices but were even more a result of the attitudes of those who did the screening; and that excessive bed space was for accommodating unreasonable court delays rather than for expediting the processing of cases.

"It appears," Sen. Bayh noted, "that juvenile institutions are run as going business concerns which must be filled to capacity to justify their existence."

At the conclusion of these hearings, the senator directed his staff to develop a comprehensive bill with primary focus on alternatives to incarceration—whether in "homes," jails, prisons or other correctional facilities—as well as the much-neglected area of delinquency prevention.

In February 1972, without a single co-sponsor, the proposed *JD Act* was introduced. S-3148 incorporated numerous provisions relevant to the detention/jailing of juveniles. But the most essential provision was an amendment to the U.S. Criminal Code which prohibited the Attorney General from detaining, confining or placing those who could not vote in any institution in which adult persons convicted of crimes or awaiting trial on criminal charges were confined.

The provision was an absolute ban on the federal jailing of juveniles. It applied to the U.S. Marshals Service, Bureau of Prisons, Immigration and Naturalization Service, Bureau of Indian Affairs, U.S. Park Service and other federal agencies. Obviously, it was felt that the federal government should provide a model for states and local communities. The provision was hailed by such notables as Dr. Karl Menninger and Marion Edelman, who had just established the Children's Defense Fund.

During the summer of 1972, as hearings on S-3148 wore on, Bayh's separate *Runaway Youth Act* (RYA) passed the Senate. Finding that police and juvenile justice officials were already overburdened with actual cases of delinquent or criminal conduct, the Congress was attempting through RYA to establish shelter facilities for runaways, throwaways and homeless children and thereby avoid the common practice of their incarceration. Unfortunately, that year RYA died in the House Committee on Education and Labor.

S-3148 REFINED INTO S-821

In early 1973, Bayh, supported this time by several dozen co-sponsors, reintroduced RYA as a separate bill and refined S-3148 in S-821. In addition to the ban on federal incarceration of juveniles in adult facilities, S-821 incorporated a similar prohibition on the state level as a condition of state receipt of *JD Act* formula grant funds. And a companion section was added totally prohibiting the incarceration of status offenders and other non-offenders such as dependent and neglected children.

Under S-821, states were to eliminate punitive/coercive placement of status and other non-offenders in detention within two years. The placement of juveniles in adult facilities was to be halted immediately. Related provisions were included in the act's discretionary grant provisions to develop and *maintain* alternatives to incarceration.

The Justice Department and other federal agencies opposed each of these *JD Act* provisions.

By early summer of 1973, the RYA had again passed the Senate but even the sensational murders of 27 runaways in Houston did not yield a bill from the House.

House version of S-821 was introduced, but while HR-6265 included the state level formula grant ban on incarceration of juveniles with adults, it did not prohibit such practices by the Justice Department and other Federal agencies.

BAYH: 'HOW CAN WE TOLERATE * * *'

Reacting to administration opposition to S-821, Sen. Bayh scheduled unprecedented hearings targeted solely on the detention *and* jailing of juveniles. The Senator opened the September inquiry by asking: "How can we tolerate the continued practice of locking up young people in a jail cell with adults?"

And Bayh stressed that it was well documented that only 10 percent of those under 18 who were arrested required secure custody. Bayh: "The same problems of brutalization, abuse and neglect of children may be as present in juvenile centers as in adult jails."

Researcher Rosemary Saari reminded the subcommittee that for every 10 youths incarcerated, nine were held in jail or detention; those jailed were disproportionately poor, minority and/or status offenders; females were more likely to be detained and once held they would be jailed longer; 70 percent of young women detained were status offenders; and that the existence of a detention home does not prevent the jailing of juveniles with adults.

John Downey, after reviewing 18,000 cases of juvenile incarceration, told the subcommittee that most children held in jail did not need to be locked up; of those who required secure custody, most only did for a day or two; the way most State laws banning or limiting the jailing of juveniles were administered and monitored undermined the statutes and the will of the electorate; and that of those in jail, less than four percent were there for offenses against a person.

Cuyahoga County Juvenile Court Judge Walter Whitlatch, the president-elect of the National Council of Juvenile and Family Court Judges, claimed that at least 200,000 minors would never be incarcerated if their cases were properly screened and they were expeditiously released from custody.

John Shope, the past-president of the National Juvenile Detention Association, spoke of detention as a necessary evil but to be used only as a last resort and only then as a consequence of serious conduct. He cautioned the subcommittee, that "in an emotional appeal to get kids out of jails, let's not create juvenile jails as an alternative." Shope said he had been involved in an effort in Georgia where "what we did (through the use of regional and local detention) was to expand from a situation where we had some children in the county jail to one where we probably increased the number of children in secure custody three-fold or four-fold on an average daily basis."

'WHATEVER THEIR LABEL'

By early summer of 1974, the Senate Judiciary Committee reported out S-821, but with an additional provision—223(a)(10)(H)—which not only prohibited states from incarcerating non-offenders but also mandated participating states to provide incentives or subsidies (such as changes in reimbursement rates) designed to "reduce the number of commitments to any form of juvenile facility *as a percent* of state juvenile populations and increase the use of nonsecure community-based facilities."

In this way, the bill not only reflected and supported the notion that very few juveniles should be confined but also worked to prevent shell games, such as relabeling status offenders as delinquents. In short, the states were to reduce the total number of secure placements of youths under 18, whatever their label.

The bill reported out by the House dropped the Section H provision and where the Senate mandated action on nonoffenders and adult facilities such as jails, the House bill only "encouraged" such goals. The measure eventually enacted kept the Senate mandates, the twice-approved *Runaway Youth Act* and amendments to the U.S. Code.

'REGULAR CONTACT' SUBVERTED

The *JD Act's* formula grant provision—223(a)(13)—and the U.S. Code amendments were modified to prohibit "regular contact" in any institution between juveniles and adults. Congress focused on the need for so-called environmental separation requiring that any child placed under the regular contact standard also be provided adequate "food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological or other care and treatment." Certainly, few if any jails provided such assistance and were thus not acceptable under the regular contact standard.

It is important to state at this juncture that Congress did not intend to isolate one type of inappropriate incarceration. The purpose of *JD Act* provisions was to adress all such costly and counterproductive violations of human and civil rights.

Congress took aim at all forms of unconscionable reliance on secure custody, not just a particular manifestation of the underlying policy such as the jailing of juveniles.

Congress flatly rejected traditional "solutions" which urged only the upgrading of personnel and services and the refurbishing of facilities.

Congress called for an uncompromising departure from the *status quo* which worked to undermine the family unit, as well as religious, school and other local community influences.

Although President Ford ignored the recommendation of the Justice Department to veto the *JD Act*, this did not stop subsequent interpretations of the act's provisions designed to divert its purpose and sabotage its intent.

Within weeks of the *JD Act's* passage, LEAA lawyers determined that the effective date for the prohibition on regular contact between juveniles and adults in jails really meant as soon as it was feasible. It was next determined that feasibility was whatever a particular state said it could accomplish and when it said it could be accomplished. Thus, as long as a state said it would eventually comply, LEAA determined this a satisfactory plan.

The actual objective of the act's regular contact section was also diluted significantly. Rather than construing regular contact in the context of the type of services to be provided, which as already noted virtually no jail in America provided, the LEAA substituted the so-called "sight-and-sound" standard which totally subverted concern for minors placed in the same environment with adults without services tailored to their special needs.

LEAA'S CREDIBILITY * * *

And even this inappropriate substitution met with stiff resistance from the National Conference of State Criminal Justice Planning Administrators (now the National Criminal Justice Association). In the fall of 1975, the LEAA regional administrators reported to headquarters that even their efforts to implement the sight-and-sound interpretation was causing LEAA to lose credibility with its constituents.

By early 1976, several of the so-called constituent groups, including the National League of Cities and the National SPA Conference, recommended that the mandatory aspect of the already weakened regular contact section be deleted and in its place, "good faith effort" be substituted.

Late in 1976 in a related development, the Children's Defense Fund, the ACLU's National Prison Project and Sen. Bayh's staff assessed the policies and practices of the Bureau of Prisons regarding its implementation of the ban on jailing of juveniles at the federal level.

It was found that the Bureau had contracts with over 400 jails for the pretrial and post-trial incarceration of juveniles. Other Department of Justice agencies were obviously following the LEAA lead.

THE FIRST REAUTHORIZATION

But Congress did not give up. In 1977, the *JD Act* reauthorization strengthened Section H; added emphasis on alternatives to incarceration including 24-hour intake screening and home detention; the delegation of all formula grant authority to the OJJDP administration including implementation of the ban on regular contact and a requirement that the Interagency Coordinating Council on Juvenile Justice review the policies and practices of federal agencies on matters such as the jailing of juveniles and report on the extent to which the feds were a part of the problem rather than the solution. Although an amendment that would have denied LEAA maintenance-of-effort (MOE) funds to states for non-compliance with 223(a)(13) was not incorporated the Congress did reject all efforts to weaken the provision.

Although the LEAA guidelines contained only the modest sight-and-sound standard, by the fall of 1977 only two states were found to be in compliance. California reported that it would not even attempt to comply because it felt that the California Youth Authority (CYA), which appeared to violate the letter of the law, did not run afoul of the spirit of the act. As a result, the CYA was denied access to *JD Act* funds and later to MOE money (see related articles on OJJDP/LEAA action against the CYA, Vol. 7, No. 23, p 1 and Vol. 8, No. 1, p 1).

CHILDREN IN CUSTODY

In 1978, the OJJDP funded or supported a variety of activities aimed at getting juveniles out of jails Perhaps the most significant was the Children In Custody (C-I-C) initiative. The decision memorandum signed by the LEAA head approving this discretionary effort cited the findings of the Bayh subcommittee hearings in 1973. Children In Custody was the single largest discretionary effort in history to attempt reduction of the total number of incarcerated minors.

Unfortunately, not all of the projects selected for C-I-C funding by the OJJDP were approved by the LEAA. LEAA's partial basis for rejecting the National Coalition for Children's Justice (NCCJ) application provides a graphic illustration of tactics employed to stifle compliance with the *JD Act's* 223(a)(13) provision.

In December, 1978, a legal memo from the LEAA general counsel which was later adopted by the agency chief, presented the following analysis to support rejection of the OJJDP-approved NCCJ application:

The states and not OJJDP are responsible for implementation of 223(a)(13) and monitoring to assure the plan is followed.

Since the states already have a contractual obligation to achieve the objectives that the NCCJ would attempt to expedite, the effort would be duplicative.

The NCCJ objectives go beyond the sight-and-sound standard by clearing all juveniles from five adult jail systems and requiring substantial state and local expenditures.

In view of such perverted interpretation of the *JD Act*, it was of little actual significance that OJJDP had tightened the guildelines for implementation of 223 (a)(13) to more closely approximate the true intent of Congress.

Relevant activities were planned by the OJJDP for fiscal year 1979 to "help assure that the Federal Bureau of Prisons complies with the policies of 223 (a)(13) and the U.S. Code provisions." Tragically, both the federal juvenile justice reform program and Phase II of C-I-C were scuttled by the LEAA.

THE SECOND REAUTHORIZATION

While these events unfolded, Congress was holding hearings on legislation introduced by Rep. John Conyers (D-Mich.), chairman of the House Judiciary Subcommittee on Crime, which would have reorganized the LEAA and repealed most of the *JD Act*.

At the same time, the Department of Justice started its review of the act in preparation for the upcoming reauthorization process. A departmental study group recommended that Section H be retained and, in view of the OJJDP's settlement of the California issue in early 1979, that there be no change in 223(a)(13). The department also rejected the Conyers initiative.

The California agreement has since come unraveled and denial of OJJDP funds because of CYA's non-compliance with sight-and-sound could become the subject of litigation.

In the spring of 1979, while the National SPA Conference contended that the existence of state laws requiring sight-and-sound separation were tantamount to compliance and thus eliminated the need for monitoring, the new National Coalition for Jail Reform strongly supported the wholesale removal of juveniles from adult jails as a first step toward the general reform of jails. Ironically, the research arm of the Bureau of Prisons—the National Institute of Corrections—was and still is a Coalition member.

In mid-summer, the National Council of Juveniles and Family Court Judges moved that OJJDP's top priority should be the removal of children from jails. The group also held that the office should place far less emphasis on removal of status and other non-offenders from detention. NCJFCJ had opposed such status offender provisions in 1974 and unsuccessfully attempted to delete the deinstitutionalization mandate—223(a)(12)—from the *JD Act* in 1977.

At a year's-end meeting of the Coordinating Council on Juvenile Justice, chaired briefly by Attorney General Benjamin Civiletti, the focus was on an agenda approved by Attorney General Griffin Bell—the federal effort to comply with the status offender and juveniles-in-jail provisions of the *JD Act*. The result of the meeting was to downgrade the Council's emphasis on securing federal compliance with 223(a)(12) and 223(a)(13).

CURRENT CONTROVERSIES

In early 1980, various bills were introduced to extend the *JD Act* (see story, Vol. 8, No. 4, p 1, and No. 6, p 1). On the House side, HR-6704 made no reference to juveniles in jail and like the Conyers initiative substantially weakened the status offenders section and repealed Section H, which as noted requires states to reduce the total percentage of minors held in any type of secure facility (see story, Vol. 8, No. 11, p 1). The Bayh and Carter administration bills left both 223(a)(13) and Section H intact.

During subsequent hearings, witnesses including Deputy Attorney General Charles Renfrew, offered testimony supporting an amendment to 223(a)(13) that would prohibit the jailing of juveniles "under any circumstances."

It was left unclear whether Renfrew had been apprised of numerous past efforts in this area when he told the House it now has an opportunity to address the issue of juveniles in jail (see story, Vol. 8, No. 6, p. 1).

Specifically, Renfrew said the Congress should amend the act to "absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trial, are confined."

Without mentioning it, Renfrew was voicing support for the original S-821 section. But no mention was made of the companion section of the 1973 bill which would have added identical text to the U.S. Code prohibiting the department and other federal agencies from directly (or indirectly through contracted placement) jailing juveniles or placing minors in prison.

The Deputy Attorney General asserted that most states had pledge to comply with 223(a)(13), but that more than separation by sight and sound should be the goal. Renfrew noted that such separation often results in placing children in solitary confinement without appropriate services.

What was not mentioned was that the original *JD Act* could not conceivably be interpreted to allow such results and that such abberations were solely the result of the department's efforts.

The department official also noted that "programs are now being developed to demonstrate the efficacy of this course of action (removing children from jails)."

In 1974, the *JD Act* was predicated on the finding that plenty was already known regarding the suitable establishment of alternatives to incarceration. Basic to the 1974 act was the finding that technical obstacles no longer existed; reducing the number of incarcerated children and probiting the jailing of children was simply a matter of will and commitment.

The Senate version of the current *JD Act* reauthorization bill (S-2441), retains all of the 1974/77 language in Section H, and 223(a)(13), and rejects efforts to weaken 223(a)(12). The Senate Judiciary Committee report on S-2441 speaks to these issues:

"The Committee is concerned that * * * 223(a)(13), which was intended to prohibit the placement of juveniles in any adult facility, including jails, has not been properly implemented. In fact, during the March hearings the Department of Justice revealed that six years after this section became law only 10 states reported compliance with this laudatory provision. Of similar concern is that such disappointing progress relates to a standard of "sight and sound" developed by the Department of Justice, rather than the fuller prohibition intended by the 1974 act. In that regard, it was never intended that the words "regular contact" in Section 223(a)(13) allow less than full compliance, as does the "sight and sound" standard. The prohibition on "regular contact" was designed to allow co-mingling of juveniles and adults under specialized circumstances such as a short-term employment training program in order to avoid costly duplication."

THE HOUSE ROLLBACK

The House Education and Labor Committee reported out its *JD Act* reauthorization measure (HR-6704) which repeals the key Section H language, amends the status/non-offender sections by rolling back the ban on incarceration through detention, and requires after seven years that "no juvenile shall be detained or confined in any jail or lockup for adults" (five years for substantial compliance and an additional two for complete compliance).

Not only does the House prohibition apply solely to the states and not the federal government, but it also displays an extraordinarily limited view of the scope of the juveniles-in-jail problem.

Although the House heard testimony stressing the beneficial economies of a ban on the placement of juveniles in jail, detention or even shelter facilities, the House version does not incorporate the needed reduction strategy.

In fact, no reference is made to the importance of detention release criteria and their essential 24-hour application. The House report clearly states that its ban on the jailing of juveniles does not require or even encourage the release of any juveniles from detention.

Such excessive reliance on detention would surely bankrupt any hope for development of non-punitive alternatives to incarceration. Where wholesale detention has been substituted for jailing the number of juveniles confined has substantially increased. And it should be noted that detention is three times more costly than jailing and the average period of confinement in detention is more than twice that for those jailed.

Moreover, by limiting its ban to only those within the jurisdiction of the juvenile court, the House excludes most jailed children from coverage. A recent OJJDP study found, for instance, (exclusive of juveniles held for 48 hours or less) that of the 4,910 persons under 18 jailed on a particular day, only 1,611 were under juvenile court jurisdiction.

Thus, on an annual basis, over 250,000 of the nearly 375,000 children in this category would not be covered and would continue to be held under the sight-and-sound standard. Additionally, a significant portion of those covered, from 25 percent to 45 percent, would be status offenders who are presently jailed in violation of the *JD Act*.

Even the recent OJJDP initiative designed to "remove children from adult jails and lockups," which targets on all jailed youth, would be placed in jeopardy by the House approach. Whatever the legal label, certainly all those youths under 18 would be vulnerable to the horrors and brutality of jails.

The juvenile population in prisons has increased from 1,970 in 1973 to 2,697 in 1979. One state, North Carolina, imprisons 22 percent (596 persons under 18) of the national total. As is the case with juveniles in jail, more than half of those imprisoned are convicted for property crimes.

Recently, the OJJDP administrator expressed concern that the *JD Act* does not explicitly prohibit the placement of juveniles in adult jails and prisons and that sight-and-sound separation is neither sufficient nor feasible.

Clearly, the House version of the *JD Act* reauthorization covers only juveniles in jail, and even then not all juveniles in jail. And the House version also allows the temporary jailing of juveniles for up to six hours. This means that even if separate facilities for juveniles are developed a jail would still be legally bound to maintain costly sight-and-sound separation capability.

If, on the other hand, the "regular contact" language were to be deleted from 223(a)(13) and the U.S. Code, as was the case with Bayh's original S-821, placing anyone under 18 in any adult facility would be flatly prohibited in all states participating in the act. And at least as significantly, this would make such practices by federal bureaucrats illegal.

The House report on its *JD Act* reauthorization bill also discusses regressive changes in the status/non-offender section of law. After noting that the present statute requires states to remove such cases from both detention and correctional facilities, it states that the new criterion for compliance would include 100 percent removal from correctional facilities.

Specifically, it is stated:

"that eligibility could also be continued if a state had totally removed status offenderes and other non-offenders, from correctional facilities . . . . Secure detention, while still harmful to status offenders and non-offenders, is of shorter duration. The committee is concerned about children who have committed no criminal offenses being locked away in secure correctional placements for long periods of time."

It is inconsistent for the House to express concerns for non-offender youths placed in confinement for long periods of time while not including youth confinement in long-term institutions such as prisons, reformatories and youth corrections systems in its "ban" on incarceration with adults.

Lastly, the House report is curiously silent on the fact that its bill repeals the key Section H language which requires the states to reduce the total number of juveniles in any type of secure placement. The reality seems to be that through their amendments to 223(a)(12) and (13), the House expects a substantial increase in youths detained in juvenile "halls," juvenile "homes" and/or other types of juvenile jails.

'ONE CAN ONLY WONDER * * *'

Certainly, Deputy Attorney General Renfrew should be commended for his personal interest and initiative. The House bill does not seem to reflect his perspective on juveniles in jail and the need for less incarceration of any type.

As Capitol Hill prepares to compromise on the two versions of the JD Act reauthorization, matters are complicated because despite Renfrew's support the Justice Department has not submitted actual legislative text through the Office of Management and Budget and the Vice President to the House and Senate.

Renfrew's testimony was also not sufficiently specific on "technical details." And the situation is further complicated by the failure of the Justice Department to include the federal government within its proposal.

It seems the feds, while asking the states to make further strides to get children out of jails, would have been as willing to get their own house in order. Apparently they are not.

At a minimum, as chairman of the Coordinating Council on Juvenile Justice, the Attorney General could support an executive order requiring all federal agencies to cease and desist from providing any support for what the federal government has, itself, called a "national catastrophe."

It is also somewhat contradictory that the Department of Justice proposed elimination of the $90 million in MOE funds for the OJJDP, a significant portion of which has been allocated by the states to assure proper monitoring of compliance with 223(a)(12) and (13). And the department has made no request for additional appropriations to help the OJJDP maintain even its current statutory obligations.

While one hopes that these seemingly conflicting developments are not the result of a complicated ruse, one can only wonder.

THE BOTTOM LINE

In *The Smell of Waste*, Susan Fisher reminds us that pre-trial or preventive detention in jail under the "punitive" notion or incarceration in jails or detention homes under the so-called "helping" notion:

"* * * represents the failure of all structures in urban society—family life, schools, courts, welfare systems, organized medicine and hospitals. It is the final, common pathway to wretchedness."

It is difficult to settle for half a loaf on issues of such gravity. The economics of wholesale detention in lieu of jail, or expansion of detention without proper, timely screening are such that even a 25 percent detention reduction policy, rather than a maximum of 10 percent of those arrested, would make development of other alternatives to incarceration simply not feasible.

The bottom-line must be as Pat Wald has cautioned us:

"Detention does not deserve to be a major part of the juvenile justice process. It should be brief, terribly selective, and modest in its aims. If the rest of the system behaves, it should almost disappear . . . Detention should not be, as it is now, the hidden closet for the skeletons of the rest of the system."

Editor's Note: This is the third in a series of articles on issues affecting the juvenile justice system by John Rector. Rector was the OJJDP administrator from June, 1977, to May, 1979. Prior to that he was staff director/chief counsel (1973–77), deputy chief counsel (1971–73) for the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, and prosecutor of police brutality cases, Department of Justice Civil Rights Division (1969–71). Rector is a graduate of the Berkeley School of Criminology and Hastings College of Law.

APRIL 25, 1980.

Re Budget Cuts for LEAA & Office Juvenile Justice & Delinquency

DEAR SENATOR BIRCH BAYH: We understand that the President and the House and Senate Budget Committees have proposed the elimination of the Law Enforcement Assistance Administration (LEAA) including the office of Juvenile

Justice and Delinquency Prevention (OJJDP) which housed within it. Once again it is the programs which have proven their effectiveness and are the most beneficial to people that are the first to go.

In 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act, though a commitment was made to remove children who are status offenders (held for crimes which would not be considered crimes if committed by an adult) from secure detention and correctional facilities, and to remove delinquents from adult jails and lockups. Federal funds were and still are needed for states to be able to comply to this very worthy cause. Much progress has been made, to date, 34 of 37 participating states have reached 75 percent compliance with this Act. If funds are cut off now, Congress would essentially be breaking an agreement to support states in these worthwhile efforts. Alternative programs to jail and secure detention are desperately needed, and these programs cost money. If funds are cut it will give an excuse to reactionaries to negate the advances made by the Act, and therefore to the good intentions of Congress.

In addition, the JJDP Act and LEAA, through the Justice System Improvement Act of 1979, provide funds for many worthy community based programs which are very beneficial to children, which prevent delinquency, which divert inappropriate juvenile cases from the criminal justice system, which protect children's rights, and which reduce recidivism.

It has been rumored that if the Office of Juvenile Justice is not abolished that only the discretionary program will be retained. We understand that this is a far less effective program than the block money that goes to the states.

If these funds are withdrawn it will be a great step backward for Juvenile justice and for the protection of society through delinquency prevention.

Sincerely,

Mr. and Mrs. K. PRANSKY.

PREPARED STATEMENT OF WILLEL W. G. REITZER

The Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976 Advisory Commission on Criminal Justice) stated there is "no key solution" to the prevention of delinquency (p. 15). It admitted "people and organizations may have widely differing views on the subject of delinquency prevention" (p. 41). It called for "a special effort" to be made to help those concerned with prevention to "understand their own views on delinquency" (p. 41).

My statement is in response to these points. It consists of an essay entitled "The Biblical Approach to Juvenile Delinquency." It is founded on a concern for bringing solutions to the juvenile delinquency problem which looms so large today. It is facilitated by an educative background in law and theology. I am currently writing an extensive book on the Ten Commandments. May the Committee and the Senate find useful principles in their consideration of legislation on this important subject.

THE BIBLICAL APPROACH TO JUVENILE DELINQUENCY

Delinquency by juveniles keeps escalating: more cheating; more drinking and drug taking—and at increasingly lower ages; more sexual experimentation and pregnancies and abortions; more vandalism of property; more violence against persons—all with declining feelings of guilt. At the same time there is more confusion over causes and more frustration at finding solutions.

Evidence keeps appearing that certain alleged causes such as housing, environment, poverty are really not that instrumental. Columbia, a model community in Maryland near the capital, was found to have the same delinquency problems as elsewhere. Other solutions develop harmful consequences. Recreational facilities, for example, while keeping youngsters more acceptably occupied, turned out to have the harmful effect of keeping them too much away from home.

The Bible contains numerous precepts that bear directly on juvenile delinquency's major questions. Now that other approaches have failed, let us give more attention to precepts which are founded on the wisdom and authority of God.

I. JUVENILE CAPACITY

Too many spokesmen downgrade the responsibility of juveniles for their acts. Even at Common Law a child under age 7 was conclusively presumed of insufficient capacity. And between 7–14, it was rebuttably presumed not to have reached the ability to entertain criminal intent, that is, to know that an act is wrong as distinguished from right. But this is contradicted by experience.

Throughout ancient Israel children started formal learning of the Law in their fifth year. However, children even of earlier age have a good appreciation of right and wrong. It is not merely a matter of intelligence, but of conscience, and a sense of shame, and also the working of God the Holy Spirit upon an individual soul. Incidentally, conscience is primarily the mental/emotional reflection of a built-in attunement to natural law—not cultural conditioning (Rom. 2: 14, 15). So there are tests of right and wrong which are available to smaller children.

However, much delinquent behavior is clearly wrong: idleness, disobedience, tardiness, slovenliness, disrespect, assault, destructiveness, over-indulgence of food, profanity, smoking, intoxication. There is no justification for such behavior—and juveniles know it. Whoever makes excuses for them merely makes himself ridiculous in their eyes, and further complicates the situation.

The chief problem is not so much juvenile incapacity to behave properly, but juvenile, parental, institutional, and societal permissiveness.

II. PARENTAL RESPONSIBILITY

Parents are of course primarily responsible for their children's upbringing. There are a number of important features.

(a) One is what to teach. Naturally they want to teach what is right, but that means not what they consider right, rather what is right in the sight of God.

An excellent illustration here is Apostle Paul's protege, Timothy, who "from a babe" had "known the Scriptures"—a reference to his education from infancy (2 Tim. 3: 15). After this remark, Paul went on to say that Scripture is able to make one "wise unto salvation", which is the principal aim of child rearing. Then he elaborated further that Scripture is inspired of God and profitable for four things: (i) for factual instruction, (ii) for purposes of authentication, (iii) for encouragement, and (iv) for morality and piety. These purposes have the practical objective of making one perfect, fully equipped for every kind of good activity.

Admittedly it is not easy to know what the import of Scripture is on a particular matter. But Scripture itself promises divine assistance in the undertaking through God the Holy Spirit (John 16: 13; 1 John 2: 20; 27).

It is of utmost importance that parents become expert in Bible knowledge and interpretation in every particular. Because everything they do or not do involving children has its impact, for good or for bad, from breast-feeding to infliction of punishment.

The beginnings of juvenile delinquency are assisted by parental delinquency. And parental delinquency is frequently due to failure to see one's own shortcomings—and to do something about it. Fathers are weak: giving the mother too much reign. They are intemperate in eating and drinking. They spend too much time on their jobs and not enough with their children. They are materialistic-minded. They are immoral, criminal. Mothers are insubordinate to fathers, not interested in home-making, too possessive, neurotic. As a result the children lose respect, and feel justified in doing as they please.

(b) Another is how to teach. Again Biblical principles must be followed. Several times Paul warns fathers—who are to "preside" over their household (1 Tim. 3: 4)—not to exasperate their children so that they become disheartened (Col. 3: 21; Eph. 6: 4). Church of England theologian H.C.G. Moule remarked: "Unwise, unloving, parental despotism, exacting, needlessly chiding, interposing for the sake of interposition, is a fatally sure challenge to the child's will." Therefore the Apostle Paul adds that upbringing must be in the "nurture and admonition of the Lord." That is, God's guidance is essential.

Much depends on the right attitude. It may seem incongruous, but some parents evidently have difficulty loving their offspring (Tit. 2: 4). They should remember that each child is a certain composite reflection of his progenitors, having both good and bad characteristics inherited from them. It is their noble task to eliminate the bad and enhance the good, and in so doing appreciate more what God is up against with us and what He is trying in us to accomplish.

An integral part of child upbringing is the family clan concept. Many juveniles today evidently are discouraged by the false ideas and emphases held out to them by the public school system, the mass media, the industrial complex, that they as individuals have little importance and little hope of success. Juvenile suicide keeps increasing. And much of what the world offers as valuable and prestigious is instinctively or subconsciously known to be false. A person's worth and aspirations are promoted when he recognizes his efforts are important to the well-being not only of his own offspring but to his descendants to the third and fourth generation (Ex. 20:5). This explains why some men attain unusual heights in wisdom, in piety, or even in a specialized area such as music. A family name should live on, and ever increase!

Apostle Paul himself manifested exemplary parental attitude in his concern for his converts. This comes out in a letter to the church at Thessalonics:

"We were gentle in your midst, as a nurse would cherish her own children. Thus, being fond of you, we were pleased to have imparted to you not only the Gospel of God, but also our own selves, because you had become beloved to us. For you remember, brethren, our labor and our toil, working night and day, so as not to burden any of you . . . You are witnesses, and God, how holily and righteously and blamelessly we were among you who believe. You know how we exhorted and comforted and charged every one of you, as a father does his children, that you would walk worthy of God . . ." (1 Thes. 2:7–12).

c) This does not preclude parental anger and punishment if such affection and dedication is met by child disobdience.

The Stoics—and some present-day authorities—condemn all anger. Some advice doing away with the idea of punishment. But Paul did not rule it out. He warned a proud faction in the Corinthian church: "What will ye? should I come with a rod or in love?" (1 Cor. 4:21). In a real sense the disabedient themselves choose how they will be treated.

Moreover, Scripture presupposes that a child will need at times corporal punishment. The Book of Proverbs notes: "Foolishness is bound up in the heart of a child, but the rod of correction shall drive it far away from him" (22:15). Elsewhere it advises: "He that spareth his rod, hateth his son; but he that loved him chasteneth him betimes" (13:24). See also the classic passage in Hebrews (12:5–11).

Few parents have an adequate understanding of punishment. In my esasy "The Biblical View Of Punishment" I sketch 12 purposes: i) the punitive—the creation of an alternative of suffering to law abidance, ii) the righteous—that punishing lawbreakres is a right thing to do, iii) the retributive—the paying back of inflicted suffering with inflicted suffering, iv) the purgative—the cleansing of the jurisdiction of the defilement caused upon it by lawbreaking, v) the educational—the telling to everyone how serious an affront an offense is, vi) the deterrent—the threat of pain to prevent transgression and repetition, vii) the relief and the restitutive—the removing of an oppression and the repayment of the loss inflicted, viii) the propitiative—the appeasement of the righteous wrath of the lawmaker and those injured, ix) the vindicative—the vindication of the authority, the wisdom, the compassion, the power, and the faithfulness of the lawmaker, x) the vengeant—the actual judicial doing what the law calls for when it has been broken, xi) the justicial—the provision for the kind and severity of penalty that is equivalent to the wrong done, and xii) the correctional—the hope that the punished will learn that the law and its penalty is good.

Scripture recognizes that some juveniles may turn out to be incorrigible. In fact, a recent Time magazine lead article on juvenile crime estimated that 10 percent of the offenders age 10–17 are incorrigible (July 11, 1977 issue). In such cases parents are required to deliver their child up to suffer the death penalty (Dt. 21:18–21). This they should do in the best interests of themselves and of society. If they do not, they become delinquents themselves, and become responsible for all the evil their child inflicts on others.

One of the major complaints against parents is erratic discipline. Therefore it is important that they become more expert in this area.

It is frequently said that strict religious background contributes to delinquency. But it must be recognized that there is bad strictness and good strictness. The Apostle Paul said he was always ready to deal with every disobedience (2 Cor. 10:6). It is also characteristic of God (Heb. 2:2). It is the failure to deal properly with each evil act that allows it to grow and grow and become more and more irradicable.

Parental delinquency has its own punishments. One of the penalties for general failure to live up to God's commandments is offspring that bring no enjoyment (Dt. 28:1, 32, 41). No doubt this is to give such parents a taste of the displeasure that they themselves have been to God. Child neglect in particular brings to parents shame (Prov. 29:15).

III. CHILD RESPONSIBILITY

A child's duty to respect and obey parents is so important it ranks not only as one of the Ten Commandments but also carries a special promise of blessing: well-being and long life (Dt. 5:16).

It is obvious that parental love is to be returned in kind: by filial affection. But even if parents are delinquent, children are not thereby justified in being delinquent themselves. If they love their parents, they may help them by exemplary behavior.

For a fact, children frequently are ashamed of their parents. This is due to a conflict in values. Often this is because parents fail to follow God's standards, or do not explain sufficiently the beauty, the worth, the rewards of the good standards they have.

In this regard Jesus furnishes a superb example. At age 12 He had already surpassed His parents in spirituality. He was also able to astound the theologians of His day with His wisdom and insight, which He evidently acquired largely on His own (Lk. 2:41–50). My own conviction is that Jesus had to struggle to reach the level of His attainment—to demonstrate that any youngster can go far if he will strive with God's help. On the other hand, Jesus also demonstrated He was able to remain submissive to His parents until he reached majority (v. 51).

Juveniles like heroes to look up to. But they follow the wrong ones. They would rather go to movies and watch television with its unreal, warped, misleading fantasy world and look up to "stars" who are by and large shallow, permiscuous, misguided, extravagant, deceitful, exploitive, than do in-depths Bible study and emulate Abraham, Sarah, Joshua, Daniel, Ruth, Mary, and Jesus.

Juveniles must be constantly reminded they are surrounded by evil forces which are ever ready to lead them astray. A person's worst ememy may be someone in his own household (Mt. 10:36). Although children are to obey parents in all things (Col. 3:20), there is one condition: that the parents be "in the Lord" in what they require of a child. If they are not, a child has the right to refuse (Eph. 6:1). But it must be sure that God's will is different. Otherwise it becomes responsible. If it is not sure, it better do what the parents want.

There are also unseen evil spiritual forces that pose grave threats. This requires that one put on the whole armor of God to be able to withstand them (Eph. 6:10 ff.).

One great temptation for teen-agers is to think too highly of themselves, to want to do more than one is capable of. As Paul indicates, one must learn to constrain himself to stay within God's will. (Rom. 12:1–3). This is the solution to many juvenile problems. There is no identity crisis or low esteem when God the Father, the Son, and the Holy Spirit is one's highest good, when He defines one's role in life, and directs all one's goings and comings. There is no desire to be different, to be independent, to experiment with sex, to want money for buying power, to want a car for prestige, to follow dress and grooming styles that are constantly changing, to belong to a group, to have a need to be loved by someone, to feel bored, lonely, or rejected.

On the other hand, behavior outside God's will carries severe penalties. Making light of parents puts one under a curse (Dt. 27:16). Cursing, mocking, smiting parents carries the death penalty (Ex. 21:15, 17; Prov. 30:17). Sexual misbehavior between parents and children has its own serious penalties (Lev. 20:11; 21:9).

The tragedy is that even the severest penalties do not keep some from delinquency. As the prophet Isaiah lamented: "Why should ye be stricken any more? ye will revolt more and more" (1:5). Therefore incorrigible teenagers were to be executed. However, the prospect of this might reach some of them who would not have been reached otherwise.

IV. EDUCATOR RESPONSIBILITY

As elaborated in my essay "The Fatal Defect Of Public Education", we have come to the point where the Biblical basis which existed in the nation's school system has been completely removed so that it can no longer be said to be acceptable to God. In fact, the public schools while claiming to be modern and scientific, are anti-Christian: they leave God out of all the subjects. Sex education, for example, without the divine element is destructive. In many cases it is left up to the students to chose what is truth and worthwhile.

Secular schools foster a teen-age subculture: with its own dress styles, vocabulary, fads, music, social life, intoxicants—which in turn foster immaturity rather than integration into an adult world. Peers and friends become more important than parents or education. At the same time grades become more important than knowledge and skills. And only those who go on to college are considered worthy, so that many have a sense of worthlessness and failure before reaching maturity.

There are also severe penalties on those who presume to teach the young but who are actually leading them astray. Jesus said that whoever causes little ones to stumble from the truth are worthy of the death penalty (Mt. 18:6).

V. SOCIETAL RESPONSIBILITY

All of society has some influence on youngsters growing up, which has prompted some analysts to suggest that all of society must be improved in order to make the most improvements against juvenile delinquency.

Indeed, the principles of Scripture aim at nothing less than a perfect society. Consequently it is a sad awakening to realize that the U.S. Constitution is an imperfect document and a poor substitute for Scripture. And it is an even sadder awakening to discover that over the last several hundred years the laws and court decisions have steadily gone farther and farther away from interpretations that had a Biblical orientation, with the result that today there is more licentiousness than ever—all in the name of freedom and rights. It is overlooked that no one has the freedom to put out false information or to exploit others; yet today's advertising, magazine, books, radio and television are full of that—and still increasing.

Where do teenagers get the idea that it is preferable to be clever (getting the most for the least effort), to be tough (making other people kowtow), to pursue excitement as an end in itself, to make rip-offs, to consider oneself protected by lady luck, and similar falsities?

God imposes corporate responsibility on society. One person's wrongdoing adversely affects everyone, not only causing decrease in God's blessings and increase in His chastisements, but also resulting in the weakening of the social moral fiber so that society is less able to withstand the various enemies that threaten its welfare and less able to carry on its normal functions. That is why society has the right to punish each violation of law as a crime against itself. To impress society with its corporate responsibility, incorrigible teenagers were to be stoned to death by all the men of the city.

If society does not deal diligently with juvenile and parental delinquency it will suffer the same decline and fall that happened to ancient Israel and the Roman Empire. Incorrigibles beget more incorrigibles, and as this element proliferates, society becomes less able to cope with it—as we are increasingly finding out.

VI. GOVERNMENTAL RESPONSIBILITY

The first responsibility of government is to make good laws. These define delinquency. Next, to attach appropriate penalties. And then to enforce them: police must police, prosecutors must prosecute, judges must judge, juries must convict, sentences must be carried out. The difficulty is there are many links in the chain, and the chain is no better than its weakest link. Today there always seems to be a weak link somewhere. And delinquents are quick to learn about it and to take advantage of it.

Scripture states that government is God's agent; it must act according to His will (Rom. 13:1-4). If it does not, then it becomes a prime problem.

The Report of the Task Force on Juvenile Delinquency (1976) stated that every piece of legislation and every operation of governmental agencies should consider the impact on family stability, and advised consistent policies for strengthening the family unit (p. 15). But recent legislation goes directly in the opposite direction: the Equal Rights Amendment, easier divorce laws, homosexual rights, removal of laws against adultery and fornication.

Legislatures appropriate money for juvenile delinquency programs that employ false (non-Biblical) principles. One principle concerns the concept of punishment. But the Biblical principle of punishment is being resorted to again here and there, and found to be valid. The Time article stated: "The evidence suggests that a tougher policy toward violent youths reduces crime" (p. 28).

If the government considers itself parens patriae—responsible for the protection of persons non sui juris—then it must be prepared fully to act like a parent in all respects (in accordance with Biblical principles), and not, as recently in New York, punishing parents for corporally punishing their children.

CONCLUSION

Scripture makes a wonderful promise: "Train up a child in the way he should go, and when he is old, he will not depart from it" (Prov. 22:6).

Today there is much concern about saddling a youngster with a bad record. But it must be remembered that everything a person does is his record whether it ever gets down on paper or in a computer file or not. And a skillful interrogator can extract it from him. And if he lies about it, he merely makes his record that much worse.

Furthermore, everyone will have to give an account of everything he has done to God in the Judgment—even every idle word he has uttered (Mt. 12:36).

Thus it behooves us to stress the avoidance of delinquency. But if it does occur, to deal with it in such a way that it will likely not happen again. If leniency causes repetition, then we are not doing delinquents any favor. Obviously we need the wisdom of God. That means we need to give more attention to His Word.

PART VIII.—STATISTICAL REPORT OF THE SUBCOMMITTEE ON THE CONSTITUTION

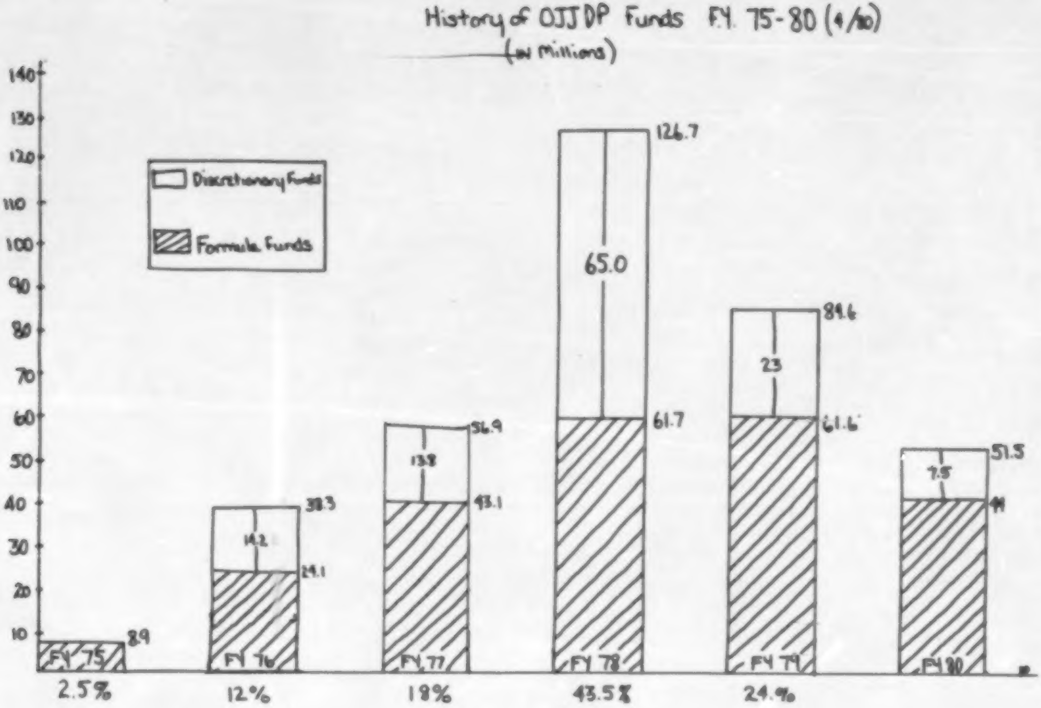
JUVENILE JUSTICE ACT APPROPRIATION

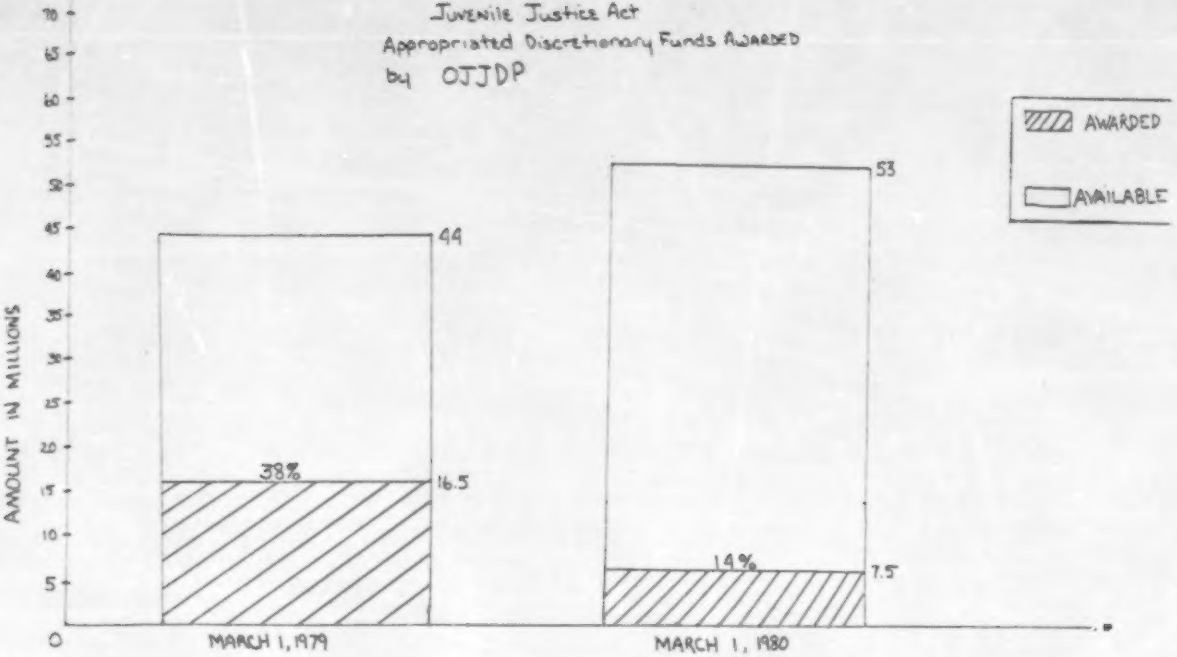
DISCRETIONARY AWARDS MADE BY LEAA MAR, 25, 1980 (MIDWAY THROUGH FISCAL YEAR 1980)

OJJDP unit	Fiscal year 1979 (Oct. 1, 1378) carryover	Fiscal year 1980 (Oct. 1, 1979)	Total awarded	Awarded to date			Awards	(c)	(n) new	Percent awarded	Balance	Percent unobligated
				(c)	(n)	Total						
Concentration of Federal effort	447,051	1,000,000	1,447,051			350,000	1	1		31.0	1,127,051	69.0
Technical assistance	215,248	3,000,000	3,215,248	274,200	16,500	290,700	5	3	2	9.9	2,294,455	90.1
Special emphasis	15,794,987	21,250,000	37,044,987	3,271,995	401,232	3,673,227	17	15	2	9.7	33,371,760	92.3
Junvenile Justice Institute	19,187	11,000,000	11,019,187	2,179,486	958,840	3,138,326	10	6	4	28.0	7,880,861	72.0
Total	16,506,473	36,250,000	52,756,473	[1] 6,075,681	[2] 1,376,665	7,452,346	33	25	8	14.0	45,304,129	86.0

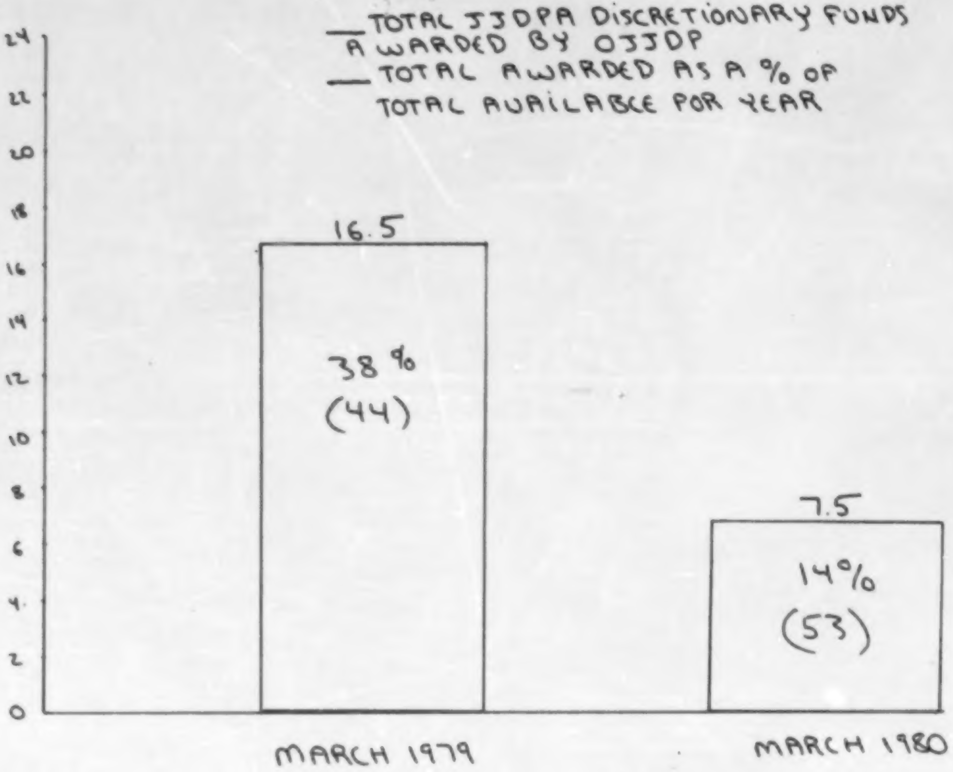
[1] 81 percent.

[2] 19 percent.

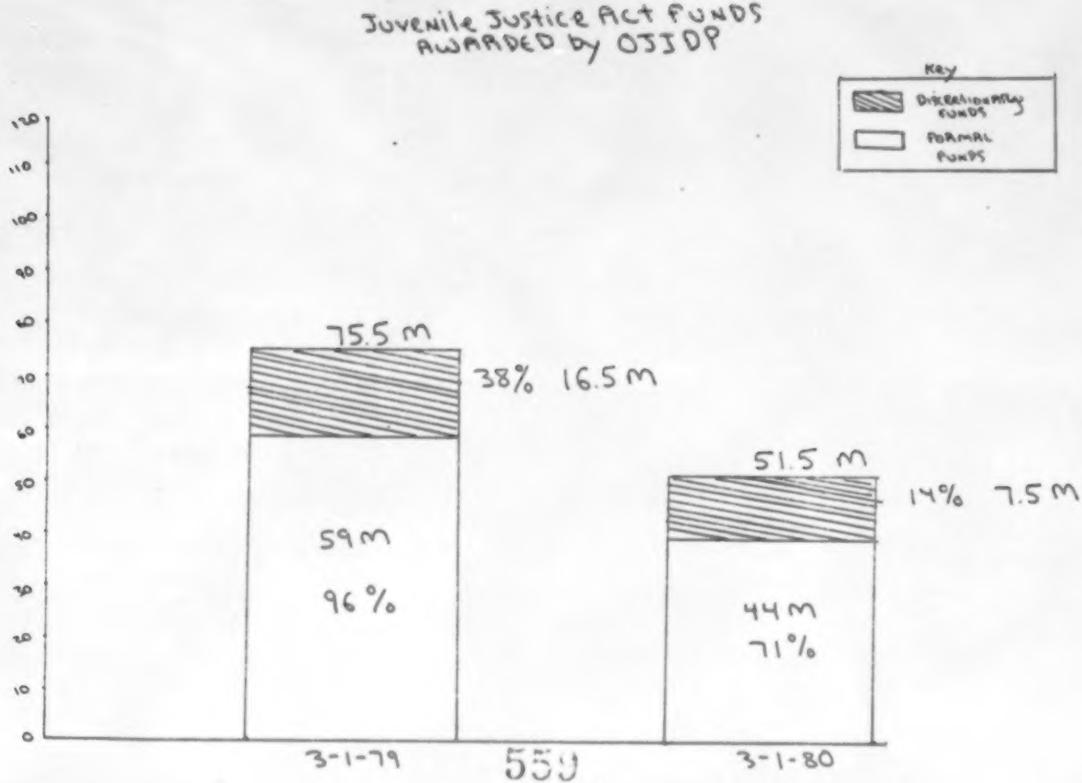

History of OJJDP Funds F.Y. 75-80 (4/80)
(in Millions)
140
130
120
110
100
90
80
70
60
50
40
30
20
10
Discretionary Funds
Formula Funds
8.9
FY 75
2.5%
38.3
14.2
24.1
FY 76
12%
56.9
13.8
43.1
FY 77
18%
126.7
65.0
61.7
FY 78
43.5%
84.6
23
61.6
FY 79
24.%
51.5
7.5
44
FY 80

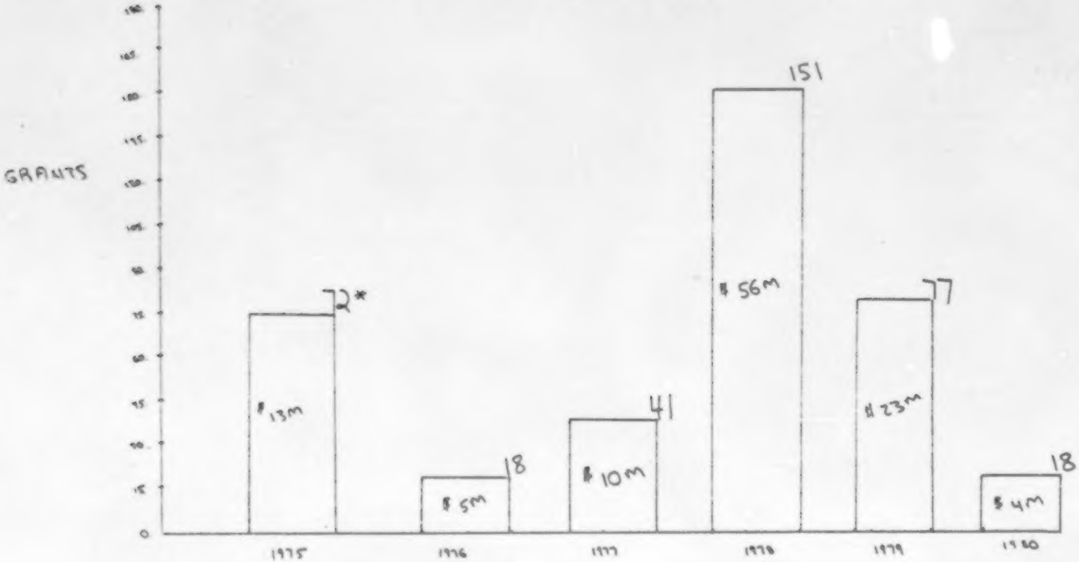


Juvenile Justice Act
Appropriated Discretionary Funds AWARDED
by OJJDP



— TOTAL JJDPA DISCRETIONARY FUNDS AWARDED BY OJJDP
— TOTAL AWARDED AS A % OF TOTAL AVAILABLE FOR YEAR
24
22
20
18
16
14
12
10
8
6
4
2
0
16.5
38 %
(44)
7.5
14%
(53)
MARCH 1979
MARCH 1980

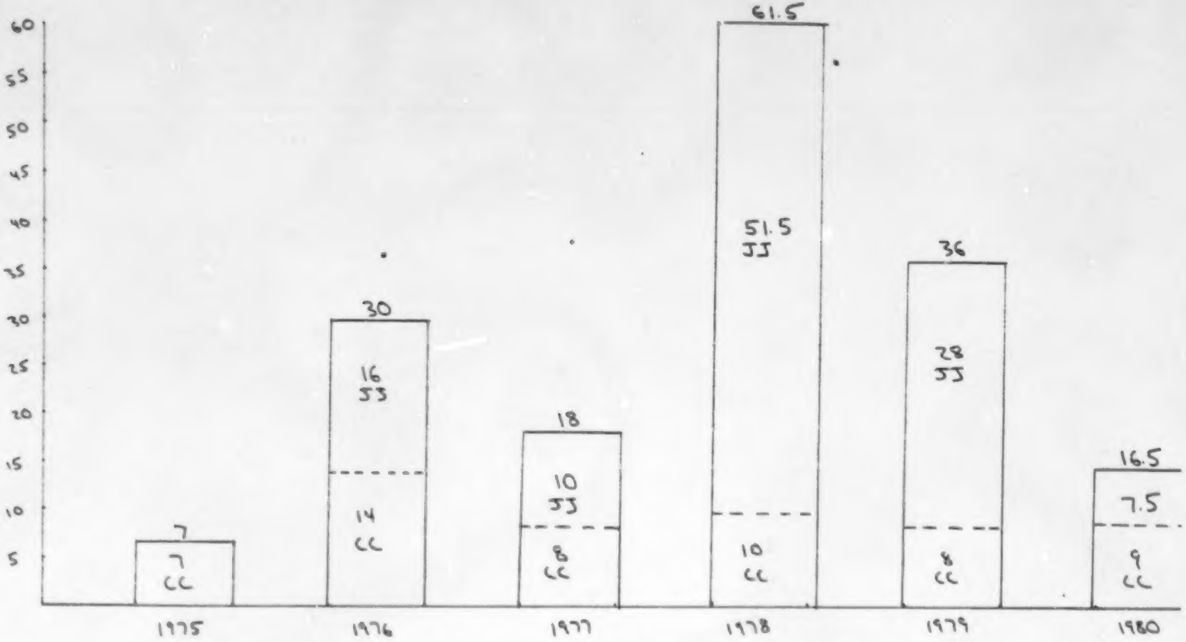

Juvenile Justice Act FUNDS
AWARDED by OJJDP
Key
▨ DISCRETIONARY FUNDS
☐ FORMAL FUNDS
120
110
100
90
80
70
60
50
40
30
20
10
0
75.5 M
38% 16.5 M
59 M
96%
3-1-79
51.5 M
14% 7.5 M
44 M
71%
3-1-80



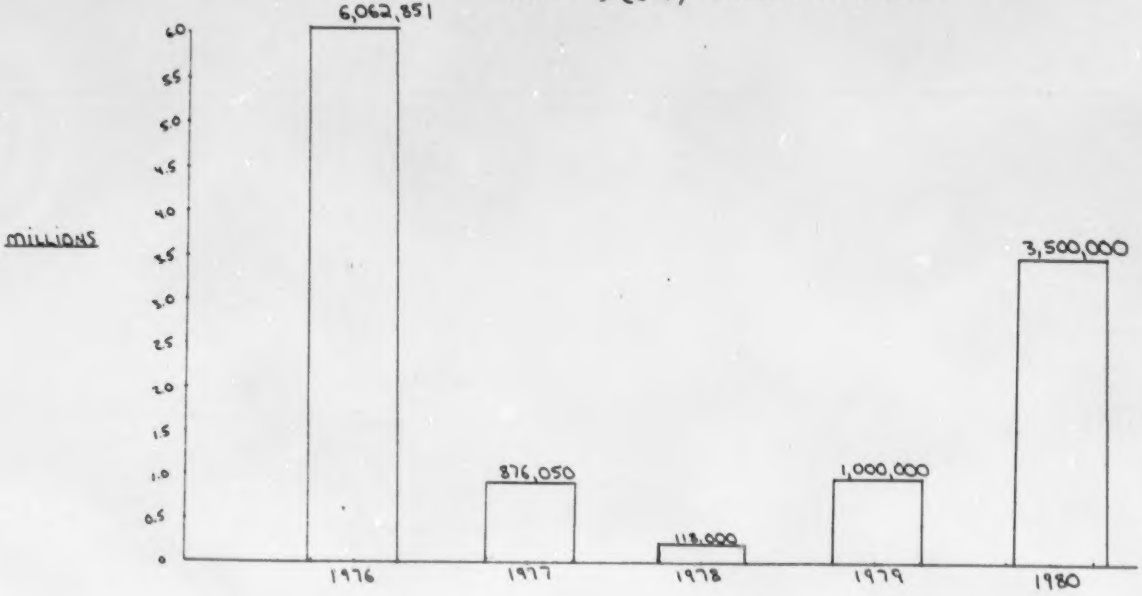
OJJDP Categorical - JJDPA
GRANTS BY CALENDAR YEAR
(Doesn't include CCA GRANTS)

* INCLUDED 46 small first year planning grants to states and territories

OJJDP CATEGORICAL COST OBLIGATIONS
BY FISCAL YEAR 7-1-79 to 3-1-80

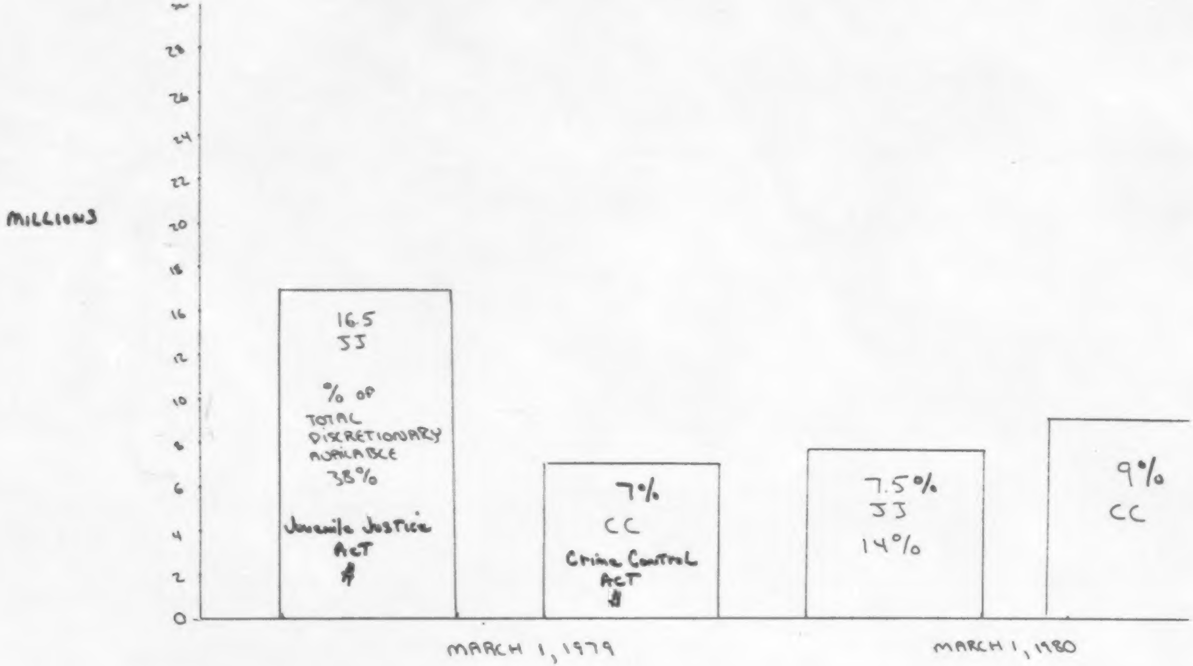


TRANSFERS OF JUVENILE JUSTICE ACT FUNDS
FOR NON-CONCENTRATION OF FEDERAL
ACTIVITY (CFE) PURPOSES BY OJJDP



DISCRETIONARY CRIME CONTROL ACT FUNDS
AWARDED BY OJJDP MARCH 25, 1980

FY79 (OCT. 1, 1978)	FY80 (OCT. 1, 1979)	TOTAL	AWARDED	AWARDS	COST NEW	% AWARD	Balance %
10,144,273	5,000,000	15,144,273	8,984,258	11	29	59	41
			(C) 1,158,000				6,160,015
			(M) 7,826,258				


MILLIONS
28
26
24
22
20
18
16
12
10
8
6
4
2
0
16.5
JJ
% of
TOTAL
DISCRETIONARY
AVAILABLE
38%
Juvenile Justice
ACT
$
7%
CC
Crime Control
ACT
$
7.5%
JJ
14%
9%
CC
MARCH 1, 1979
MARCH 1, 1980